United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JULY 8, 2009 No. 101

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

Rev. Alberto Delgado, Alpha and Omega Church, Miami, Florida, offered the following prayer:

Father, we worship Your holy name.

In the Bible You command the church to always pray and give thanks for those who are in authority.

The United States and the whole world are now experiencing difficult times; because of it, confusion and fear reign in the hearts of many.

Father, we have total confidence that You will stretch forth Your hand upon America. This great country of ours will defeat the present crisis, will enter a new level of prosperity, and will continue to be the example and the strength of the free world.

Father, right now I decree a blessing upon the Congress of the United States. I pray that Your Holy Spirit may fall upon each man and each woman present, that they may be illuminated with Godly wisdom as they enter legislation. May Your blessings be also upon their personal lives and their families.

In Jesus' name we pray. Amen.

THE JOURNAL

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

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

Ms. FOXX. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

Ms. FOXX. 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. 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The point of no quorum is considered withdrawn.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. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN 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.

WELCOMING REV. ALBERTO M. DELGADO

The SPEAKER. Without objection, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 minute.

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my distinct pleasure and privilege to be able to welcome Pastor Alberto Delgado to the House of Representatives. Pastor Delgado and his wife, Mariam, also a wonderful religious leader, are pillars of strength, faith, and good works in south Florida.

Their church, Alpha and Omega Church with more than 5,000 members, is a sanctuary which opens its doors to over 2,000 worshipers per service, with services in both English and Spanish. It is a place of miracles, where, as Pastor Delgado always reminds the faithful, everything is possible with faith and where the family and the word of God are revered.

The ministries of Alpha and Omega Church have already spread to other States in this great and generous land, and to other countries as well, including Cuba, Guatemala, Argentina, Mexico, Nicaragua, and Belize. And the work of Pastor Delgado never stops.

Welcome to the United States Congress, Alberto and Mariam. It is an honor to have you here. Thank you for all that you do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

HEALTH CARE REFORM

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

Mrs. CHRISTENSEN. Mr. Speaker, we in this body will deliver a health care reform package and fulfill our and the President's promise to America. That makes this a special time to be in the Congress, and it is a great privilege to be a member of one of the main committees that has responsibility for this product.

Although there is still a need to improve on some measurements, because of the public plan and exchange, the improvements in Medicare, Medicaid and SCHIP, the mandates for coverage, a robust benefits package, accountability care organizations and medical homes, and the provisions already included to reduce health disparities, our Nation will be a fairer and more just country and we will not only save money, but we will be a more productive and competitive nation as well.

We must not let the cost today stand in the way of our destined and future greatness. A significant investment in health care will reap savings in the not-too-distant future. Let's make sure that quality, comprehensive, and culturally and linguistically appropriate

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health care is available and accessible to every person living in this country, in the 50 States, the District of Columbia, and all of the offshore areas or territories. Let's make sure that universal health care is universal health care.

REPUBLICANS ADVOCATE QUALITY HEALTH CARE REFORM

(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. Mr. Speaker, House Republicans are offering positive solutions to our Nation's health care system. We are standing up for individual choice, preserving the all-important doctor-patient relationship, and giving families more resources and more of their own money to afford quality health care.

Our Democrat colleagues have abandoned any sense of bipartisan cooperation. That is why their health care proposals currently amount to a $1 trillion big government takeover. Republicans are proposing tax relief for families and small businesses who are struggling to afford health care. We want to empower States and small businesses to band together for affordable insurance options. Rather than copy a failed central planning big government system, we are committed to weeding out waste, fraud and abuse.

Republicans are hard at work developing a set of patient-first health care reforms. We encourage our Democrat colleagues to join us in defending patient choice and quality care against the rationed care of a big government health care takeover.

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

COST CONTAINMENT FOR HEALTH CARE REFORM

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

Mr. INSLEE. Mr. Speaker, in our health care reform, our aspiration ought to be to give Americans the health care that people get at the Mayo Clinic, and nothing less. We can do this even though this sounds like a high bar because at the Mayo Clinic they provide cost-effective health care. Medicare spends about $6,700 a year in Rochester, Minnesota. In other places in the country, it is over twice that. In one town in Texas, it is $14,000 a year.

We need in our health care plan to provide quality medical care, choice of medical care, and cost-effective medical care. That's why in our bill we are going to need to insist on measures of peer profiling for physicians, critical protocols to make sure that quality happens, and reward for physicians for high quality. When we do this, patients will have the same quality as the Mayo Clinic and the same cost as the Mayo Clinic to the American taxpayer. That is a good deal. We have to make sure that cost containment is part of our health care plan.

HONORING PRIVATE FIRST CLASS PETER CROSS

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

Mr. POE of Texas. Mr. Speaker, Private First Class Peter Kyle Cross wanted to be a missionary, but he decided he needed to mature a little bit first, so he joined the United States Army in August, 2008. He was born in Texas, but he and his family later moved to New York.

Private First Class Cross was deployed to Afghanistan in February with the 10th Mountain Division of New York. Private First Class Cross and his unit were out on patrol, and he went to get supplies for his fellow soldiers. Returning to platoon, driving on a narrow mountain pass, he saw a group of Afghan children herding sheep on the road. Peter swerved his Humvee to avoid hitting the kids and went off the side of the mountain. Peter Cross was 20 years of age.

This young American soldier's first instinct was to sacrifice his life for a group of children he did not know in a land far from home. Peter's father said of his son's sacrifice: ''His last act in life showed what kind of man he was, selflessly thinking of others.''

Last week, the governor of New York ordered all flags flown at half staff in honor of this Texan and New Yorker, Peter Cross. Amazing breed these young bucks of the United States Army.

And that's just the way it is.

□ 1015

PRIMARY CARE

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

Ms. SCHWARTZ. I rise today to address the importance of primary care and comprehensive health care reform. As we move towards creating a uniquely American solution in which all Americans have access to affordable, meaningful, stable health coverage, we must remember that insurance alone means little if patients do not have adequate access to health care providers and services.

Primary care providers are on the front line of the health care system treating acute and chronic problems, preventing diseases, and keeping costly conditions from worsening. And yet, despite this essential role, it is primary care where we face the most acute provider shortages.

Fewer and fewer medical students are choosing primary care. Since 1998, the percentage of internal medicine residents declined from 50 percent to 20 percent. By 2025, America will have a shortage of 46,000 primary care providers.

I have introduced the Preserving Patient Access to Primary Care Act. My proposal takes a comprehensive approach to addressing this problem, bolstering our primary care workforce and improving primary care services, providing scholarships and loan repayments, increasing payments for doctors, and eliminating copayments for Medicare beneficiaries seeking preventative care.

I encourage all these provisions to be included in health care reform.

NO SECOND STIMULUS

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

Mr. FLEMING. Mr. Speaker, I join the majority of Americans who found themselves in utter disbelief yesterday when they heard the majority leader say that this Congress might need to consider a second stimulus package. After the first stimulus package has proved to be a failure in stabilizing the economy and mitigating unemployment, the best solution the liberal leadership in the House can propose is to continue on this reckless spending spree.

At present, we are spending $100 million a day on interest on the first stimulus, and yet unemployment has now reached 9.5 percent. This first stimulus has proved to be nothing more than a tool to fund a broad-sweeping social agenda that has been on the shelf for years. The Vice President said we misread the economy. Well, Mr. BIDEN, not one Republican in this House misread it because none of us voted for it.

If we really want to stimulate the economy, we should immediately cut marginal tax rates for all and provide emergency tax relief to the very entities that employ 70 percent of those employed—small businesses.

The American people have had enough of the tax-and-spend mentality of Congress.

HEALTH CARE REFORM

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

Mr. BACA. Every week my office in San Bernardino, California, receives phone calls from constituents seeking assistance for their health care needs.

The cost of health care is flying through the roof. American families are struggling to pay premiums that are going up three times faster than the wages. The health care system is broken. This is not just disturbing, this is inhumane and un-American when you're being denied health care or can't get the health care coverage you need.

In my district, local small businesses are faced with choosing between offering health care coverage to employees

or closing their doors. I met with local health care leaders in my district. Among other problems, we are seeing sharp increases in emergency room use. If we don't have the health coverage, then we, the taxpayers, will end up picking up the cost.

Rising unemployment rates lead to higher numbers of uninsured and sharp declines of normal doctor visits. No one should be denied; they should be able to have access to health care.

Health care reform will not be an easy task. We must act on behalf of the American families that we represent. I urge my colleagues to give American families peace of mind again by working towards a true health care reform.

KENNY CALLAHAN ACT

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

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to discuss H.R. 2881, the Kenny Callahan Act, a bill I recently introduced.

Kenny Callahan was a friend and a cameraman in a local TV station in east Alabama. Recently, he was diagnosed with pancreatic cancer in December of 2008 and died less than 2 months later.

Kenny worked two jobs to support his family, but when he got sick, he couldn't work any longer. Given only a short time to live, he could not outlive the waiting period required to receive Social Security and Medicare benefits. This bill, named for Kenny, would eliminate the waiting period for Social Security and Medicare benefits for folks diagnosed with terminal illness.

This legislation is about starting a compassionate conversation to help these people and their families. It's about a moral obligation to help those most vulnerable in our communities.

If ending the disability waiting periods for everyone is not included in the health care reform package, at a minimum, it should be eliminated for the terminally ill.

I ask my colleagues to support this bill.

ENERGY WRAP-UP

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

Mr. KLEIN of Florida. Mr. Speaker, last week, the House took an extraordinary first step by creating jobs in the form of unleashing a new generation of energy technology built right here in America.

Whether we agree on any other issue, each of us is committed to keeping this country safe, and the American Clean Energy and Security Act is essential to our national security.

The bill that passed the House marks a critical first step to creating clean energy incentives that will spur the development of new technologies, create jobs, and fuel our economic national recovery.

While I was home last week in south Florida, I had the chance to meet with Yann Brandt and his colleagues at Advanced Green Technologies. As a solar panel designer and distributor, AGT is on the cutting edge of alternative energy technologies and is creating jobs as we speak. That's exactly the kind of innovative local business this legislation will support.

I am confident that Florida can be a national leader, as well as the rest of the country, on clean energy technology. This bill gives our business leaders the tools they need to create jobs and compete in the next great American industry.

LET THE AMERICAN PEOPLE CHOOSE THEIR HEALTH CARE

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

Ms. FOXX. Mr. Speaker, as the American people struggle to make ends meet, too many also live with the challenge of affording basic health care for themselves and their families.

Republicans want to make high-quality health care coverage affordable and accessible for every American and let those who like their current health care coverage keep it. Republicans support health care reform that puts patients and their health first and protects the important doctor-patient relationship.

Democrats are pushing for a government takeover of health care that would have devastating consequences for families and small businesses. A government takeover of health care will raise taxes, ration care, and let government bureaucrats make decisions that should be made by families and their doctors.

Republicans want to empower doctors and patients by making health care more affordable, more accessible, and more accountable. The American people deserve the peace of mind that comes with knowing they have the health care their families need when they need it.

We cannot allow politicians and special interests to stand between patients and the care they need. The American people deserve the freedom to choose the health care that is best for them and their families.

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. Mr. Speaker, the American people know very clearly that health care reform must happen, and it must happen now. They also know that it must transcend politics. This isn't a Republican or a Democratic issue. They know that crippling costs are hurting our families, hurting our businesses, and hurting our Nation. By the end of today, and the close of business in this House, 14,000 of our fellow citizens will lose their health care coverage.

Reforming health care must have at its base reforming how we do Medicare formulas. My home district is home to the Mayo Clinic. As you heard my colleague speak earlier, providing high-quality care at a low price is the hallmark of the Mayo Clinic. But because of the way Medicare payments are now figured today, the Mayo Clinic and others who provide high-quality care at low cost are penalized. We can change the mix in the index by making sure Medicare physician fee formulas measure quality.

I urge my colleagues, Republican and Democrats, to make this the hallmark. Make the Mayo model the model for this country, and we will get high-quality, low-cost care that will strengthen our Nation.

HEALTH CARE

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

Mr. REICHERT. Mr. Speaker, just days after the 4th of July events that celebrate our freedom, it's ironic that Congress will begin consideration of a health care proposal that threatens the freedom to choose and keep the health care we want and we need.

Health care is not about bureaucrat systems. It's about people. It's about patients. It's about life and death. Quality health care is the foundation for our children to grow and prosper and for our seniors to enjoy comfortable retirements.

We can all agree that our health care system must be transformed, but a $1.6 trillion proposal that puts government bureaucrats between doctors and patients, raises health care costs for families, taxes our health care plans, and reduces choices is not the answer to ensure that our health care system remains focused on people.

HONORING TOM WILLS

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

Mr. YARMUTH. Mr. Speaker, I rise this morning to mark the retirement of a man who has been a true institution of my hometown over the last 40 years.

In an era where loyalty is fleeting and in an industry that is constantly changing, the people of Louisville are grateful that Tom Wills dedicated his career to serving our community.

It was 1969 when Tom came to Louisville to work as WAVE 3 TV's meteorologist. In the decades since, Tom has been there for Louisvillians through it all. Whether it was the 1974 tornado, the snowstorm of 1994, or the ice storm this past winter, Tom's reassuring voice has been a fixture on televisions throughout Louisville.

We in Louisville are grateful to have had Tom walk us through every sunny day and every rainy night. After four decades, I am proud to join all of Louisville in thanking him for his service and wishing him the best as he moves on to a well-deserved retirement.

AN ECONOMIC LIFE-SAVER

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

Mrs. MALONEY. Mr. Speaker, the U.S. economy shed 467,000 jobs in June, yet the economic climate would have been worse without the economic recovery legislation we passed in February. One leading independent economist reported last week that our stimulus measures prevented the loss of some 500,000 jobs in the last 3 months alone.

Many State and local governments, retailers, and service-providing employers have been able to save thousands of jobs that otherwise would have vanished without money provided in the stimulus package to communities and consumers. As a result of our action, the legislation's broad approach will leave the unemployment rate 2 percentage points lower by the end of next year. The stimulus impact has and continues to be an economic lifesaver for families all across this country.

CZARS

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

Mr. KINGSTON. You know, we have all heard about czarist Russia. Over a 300-year period of time, Russia had 18 czars. Now, America has had czars, too—Ronald Reagan had one, George Bush had one, Bill Clinton had three, George W. Bush had four. This Presidency has 27—and maybe even as high as 33, nobody even knows—czars for all kinds of things like compensation, regulatory reform, terrorism, Guantanamo Bay, automobiles.

And who are these people? Well, we don't know, because even though the Constitution calls for the U.S. Senate to approve powerful people in powerful positions—and, indeed, they vote on hundreds of appointees—the czars go around this process. Now, they get paid $172,000 each and they all have staffs. We are spending millions of dollars on people who have not been vetted by the U.S. Senate. We do not know who they are or what they are doing.

Why won't the President use transparency and have these people come before the Senate and talk to them? Why are they so smart, and why do you have to have duplication of already existing Cabinet jobs?

□ 1030

VIETNAM'S CONTINUING DISREGARD FOR CIVIL, POLITICAL, AND RELIGIOUS LIBERTIES

(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. Mr. Speaker, I rise today extremely frustrated and concerned over the continued arrest of pro-democracy dissidents inside Vietnam.

The Government of Vietnam continues to persecute journalists, bloggers, and other individuals who simply speak out against human rights abuses in the country of Vietnam. Yesterday I learned that Mr. Nguyen Tien Trung, another young and prominent dissident, was arrested by the Government of Vietnam. Mr. Trung is the leader of the Movement Democratic Youth, a group that mobilizes young people to demand change in the political regime in Vietnam. The recent arrests of lawyer Le Cong Dinh and Nguyen Tien further demonstrate Vietnam's continuing disregard for basic civil, political, and religious liberties.

I urge my colleagues to speak out on behalf of these brave men and women who are now imprisoned in Vietnam. Please join me in urging the Department of State to place Vietnam back on the Countries of Particular Concern list.

APPROPRIATION BILLS UNDER CLOSED RULES: BAD PROCESS LEADS TO BAD POLICY

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

Mr. FLAKE. Mr. Speaker, I rise today in protest of the way we're handling appropriation bills this year.

Traditionally, appropriation bills have come to the floor under an open rule, allowing Members to offer as many amendments as they would like as long as they give notice of such amendments. Now we have this year a process of closed rules, where appropriation bills are brought to the floor under structured rules. Members are limited in the number of amendments they can bring forward. And we're told that we need to do this because Members will offer so many amendments that it will slow the process down.

But when you have bills come to the floor with literally in some cases more than a thousand earmarks that have not been vetted by anybody, and obviously the Appropriations Committee is not vetting these earmarks, then we should have a process where people on the floor can at least see what's in these bills. We're not allowed to do that. We are bringing a bill to the floor today with just a few amendments that will be allowed to be offered.

Mr. Speaker, we cannot continue to do this. We are told that people don't care about process. Perhaps they don't. But bad process leads to bad policy.

COMMUNITY HEALTH CENTERS

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

Ms. CASTOR of Florida. Mr. Speaker, I rise today to inform the House that the economic recovery plan is working in my district.

Yesterday, I was at the Johnny Ruth Clark Community Health Center in South St. Petersburg, Florida, where we made the announcement that $1 million will go to expand that community health center. That community health center is the lifeline for that community, for the neighbors and businesses in that community. It's going to allow them to build new patient exam rooms. This $1 million grant comes on the heels of a half million dollar grant that will allow them to hire new doctors, nurses, and medical professionals, very important because our community health centers are the places where folks receive quality, affordable health care.

Fortunately, in our health care reform bill, we are going to make an additional investment in our community health centers. They are the lifelines to our communities. This is one of the only ways we're going to make quality health care affordable and convenient for families and small businesses throughout our neighborhoods.

HONORING PRIVATE FIRST CLASS STEVEN DREES

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

Mr. KAGEN. Mr. Speaker, it is with a deep sense of sadness that I express my sincere condolences to the family, friends, and community of Peshtigo, Wisconsin's native son Steven Drees, who was killed in action in Afghanistan on June 28 while serving his country in Operation Enduring Freedom.

Private First Class Drees' enlistment began on July 25, 2008. He was assigned to D Company, 2nd Battalion, 12th Infantry Regiment, 4th Infantry Division out of Fort Carson, Colorado. Frequently decorated, he counted among his awards three Bronze Stars and a Purple Heart.

When any soldier falls, we mourn collectively and we pray as one people. And when we lose one of our very youngest soldiers so close to home, we are especially aggrieved.

Nothing can replace what Steve's family has lost, but if it's any consolation, let it be remembered that Private First Class Steven Drees remained dutiful and brave at all times and that he was a loyal United States soldier. That such a young man could serve so selflessly is a tribute to the nobility and fortitude of the people of Peshtigo, the people of Wisconsin, and the citizens of these United States.

Steven will never be forgotten.

HEALTH CARE REFORM

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

Mr. WU. Mr. Speaker, a few years ago on a Mother's Day Sunday, my daughter got a cut on her face and was bleeding. So I took her to the emergency room. She got a Band-Aid and some antiseptic cream. It was a $350 bill.

A couple years later, I took my son to Central Oregon with me on a conference. He jumped from the bed to the fireplace in the hotel, missed his landing, split his lip. I took him to the emergency room. He got three stitches. He got good treatment. The bill was for $850.

Why do three stitches cost $850 or a Band-Aid $350?

Those 49 million uninsured people in America, we are already paying for their health care; but it's through the dumbest way that we can, through expensive products for some of us, even though I have insurance. And what we do need now is change in our health care system so that we cover those uninsured because it's not only the right thing to do; it is the smart thing to do so that we don't have $350 bandages and $850 stitches.

PROVIDING FOR CONSIDERATION OF H.R. 2965, ENHANCING SMALL BUSINESS RESEARCH AND INNOVATION ACT OF 2009

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 610 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 610

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. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, 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, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Science and Technology now printed in the bill, 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 Small Business 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. 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. Each such amendment may be offered only in the order printed in the report, 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. The proponent of any such amendment may modify its amendatory instructions before the question is put thereon. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. 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. 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. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Small Business or her 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. 3. During consideration of H.R. 2965, 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.

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

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 610.

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

There was no objection.

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

House Resolution 610 provides for consideration of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009, under a structured rule. The rule provides for 1 hour of general debate with 40 minutes controlled by the Committee on Small Business and 20 minutes controlled by the Committee on Science and Technology. The rule makes in order five amendments printed in the Rules Committee report. The amendments are debatable for 10 minutes each, except for the manager's amendment, which is debatable for 30 minutes. The rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise in support of House Resolution 610 and the underlying bill, H.R. 2965, the Enhancing Small Business Research and Innovation Act, which reauthorizes the Small Businesses Innovation Research Program and the Small Business Technology Transfer Program.

Programs such as these, programs that successfully create high-wage jobs and ensure our Nation's technological competitive advantage in wide areas from software to defense to medicine, are vital, particularly in light of our economic climate.

On behalf of my constituents in Colorado whose businesses have prospered as a result of this program, I thank my friend from Pennsylvania (Mr. ALTMIRE) for crafting this legislation. I also thank Chairwoman VELÁZQUEZ and Chairman GORDON and their staffs for their hard work and efforts to bring this bill in a timely fashion before us on the floor of the House of Representatives. With the Small Business Innovation and Research Program extension set to expire at the end of this month, these committees have carefully debated this legislation and with deliberate speed have brought us a bill that is an improvement over existing programs and is deserving of swift passage by this body.

Since its inception in 1982, the SBIR has made awards to more than 94,000 projects totaling over $20.7 billion of funding for small businesses. The SBIR program was conceived to help small innovative businesses access Federal research and development funding that creates jobs and allows Federal agencies to benefit from the ingenuity of private industry. SBIR's companion, the Small Business Technology Transfer Program, which began in 1992, goes further by incorporating nonprofit research institutes. This public-private partnership program is a success story that's not only created jobs but has also yielded dividends for the Federal agencies that sponsor the program. Americans can be proud that Federal resources have been leveraged to create innovations that have benefited 11 Federal agencies that have SBIR programs, including the National Institutes of Health, the Department of Energy, and the Department of Defense. The research and development of new technologies and processes that is completed by private companies have created efficiency in the Departments that sponsor SBIR while freeing the resources and staffs for projects that are essential to the agency's mission, making our Nation safer and our citizens healthier.

Mr. Speaker, the success of this program is clear. One need only look to the patents that have resulted from SBIR awards or the 1.5 million Americans employed by SBIR program participant companies to get a sense of the real value of this program.

□ 1045

Less tangible but equally important are the other benefits of this program. Across the country, communities have

enjoyed the economic impact of investment in small business. The projects of SBIR participants have resulted in not only high-wage, direct research employment but also have generated manufacturing jobs right here in this country and a host of support industry jobs.

In my State of Colorado, the synergy of Federal labs, small business, and academia has driven economic growth in good times and in bad, and acted as a stabilizing effect in the hard times. In my district, as a result of SBIR participation, Boulder-based Tech-X Corporation has created 58 high-paying jobs that earn $453,000 from sales and licensing of advanced software that's used in private industry as well as NASA, the Department of Energy, and the Department of Defense.

The legislation before us reauthorizes the program that allows small businesses to make big plans and helps them succeed. I remind my colleagues that in the midst of a recession, we have an obligation to our small businesses to provide as much security as possible, and that reauthorizing this program through 2011 provides security for long-range planning while giving Congress the opportunity to adjust any deficiencies in the program. This flexibility is important when considering the fast pace of change in the high-tech industry.

With H.R. 2965, we don't just reauthorize the SBIR program, we also modernize and improve the program. We increase funding levels for phase I and phase II awards to a level that's consistent with modern financial realities. We clarify the language regarding which companies can participate so that no worthwhile innovation is left behind. And we streamline the SBIR and STTR so that the two programs operate more efficiently, meet clear performance standards, and put taxpayer dollars to the best possible use.

We also put a greater emphasis on bringing products to market and broaden the pool of businesses that participate with outreach to rural and underserved communities. Finally, and importantly, we increase the outreach to our Nation's veterans, ensuring that those who have served our country have every opportunity to reenter the business world and succeed financially when they get home.

Mr. Speaker, today we have a great opportunity to reauthorize a program that the Government Accountability Office has said clearly is doing what Congress asked it to do in achieving commercial sales and developmental funding for the private sector.

I ask my colleagues to join me in supporting this bill and the underlying legislation.

I reserve the balance of my time.

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

I want to thank my colleague from Colorado for yielding time. However, I must rise in opposition to this closed rule for H.R. 2965, Enhancing Small Business Research and Innovation Act. While there may be many merits to the underlying bill, this would have been a perfect opportunity for the majority to have opened up this process and allow the House to work its will.

This is a relatively noncontroversial bill which might not even have needed to be considered under a rule except for the opportunity for some of our Democratic colleagues to get some amendments passed. We are in a very busy time with the appropriations process and the schedule very, very full this week, and had we done this, again, under an open rule, I think the process could have gone very, very quickly.

However, the majority has continued its process of shutting out not only the minority, but many of their colleagues by not allowing their amendments to be made in order. So we will oppose this rule on that basis.

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

Mr. POLIS. One minor correction, to the gentlelady from North Carolina. The rule is a structured rule as opposed to a closed rule. I know that my colleague on the Rules Committee is aware of the difference as well.

Specifically, this rule calls for five amendments to be in order, including three Republican amendments and two Democratic amendments. I think it's a very fair rule. There were 34 amendments that were submitted to the Rules Committee. Thirteen of those were withdrawn by the sponsors, and two were nongermane.

With that, I would like to yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the gentleman for yielding. Mr. Speaker, I rise in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act, because I believe this bill is vital to modernizing Small Business Innovation Research and Technology Transfer programs.

I'm also pleased that this bill includes a proposal I sponsored last year that will establish a grant program for minority colleges and universities to partner with nonprofits. Working together, nonprofits and minority colleges and universities will develop relationships with industries and small businesses that will expand minority-owned small business opportunities.

Small businesses are the engine that drives the American economy, and this act will help grow small businesses where both the need—and the opportunity—are the greatest. I believe this bill is critical to sustain job growth, and exactly the kind of legislation that our Nation needs right now, and I urge my colleagues to support the rule and vote for it.

Ms. FOXX. I now yield 4 minutes to my colleague, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding. I rise in opposition to this rule. I submitted a very noncontroversial amendment to the Rules Committee that would have prevented congressional earmarking to any of the funds appropriated to the Federal agencies while carrying out these programs.

My amendment was germane. It would have been in order, had they simply ruled it in order. This same amendment has been added several times both by voice vote and by roll call vote to several other pieces of legislation. So there's no controversy here. But I have to wonder why they wouldn't allow this amendment. And let me just speculate for a minute.

Under this program, which continues to grow, according to CRS, the SBIR awarded $45 million for nearly 700 projects in 1983—the year it was established. By the time we reached fiscal year 2006, more than $1.8 billion was awarded to almost 6,000 projects.

Now these are projects that are awarded by the SBA based on merit, for the most part, I guess. That's the way the program is set up, as it should be if you're going to have a program like this. I can't pretend to be a fan of this program, but if you are, you allow the projects to be distributed—the money for projects, based on merit.

The problem is, as we have discovered here in Congress, one way to ingratiate yourselves to your constituents and to win reelection is to earmark those kind of funds for projects in your home district and to circumvent the process of merit that should go on with the Federal agencies. That's what we have done in program after program after program after program.

We were told, for example, when we had the Homeland Security Department established, and we started appropriating money to it, We will never earmark these funds. Don't worry, we're not going to earmark it. Well, guess what? We're already earmarking. The last bill that came to the floor, the Homeland Security Bill, had hundreds of earmarks in it.

For example, there's a program called the pre-disaster mitigation program. It's supposed to be for Homeland Security to award grants to help communities prepare for disasters.

Well, guess what? Already a quarter of those funds are lopped off the top, earmarked, mostly by appropriators and powerful committee chairs, to their districts. In fact, I think the last figures were 70 percent of the money that was earmarked was earmarked by fewer than 25 percent of this body. So it's a spoils system.

Now this, when you're awarding money to 6,000 projects, this is simply irresistible to Members of Congress who seek to earmark. Mark my words, if we don't put protections in here, these funds are going to be earmarked.

And so the failure to allow the amendment to stipulate that none of these funds should be earmarked should be taken as notice that we're going to start earmarking these funds. And that is unfortunate.

It's part of a pattern, though, that we've seen this year. We are actually

bringing appropriation bills to the floor under rules, under a structured or closed rule, where very few amendments are allowed to even be offered.

We will be considering the agriculture bill. There are hundreds and hundreds and hundreds of earmarks in that bill. We will have amendments to strike maybe a half dozen. That's not transparency and accountability. What good is transparency if you can't actually challenge a number of these earmarks?

The real purpose of all this narrowing down the number of amendments that can be offered, believe me, is that we will be appropriating for the Department of Defense later this month. There will be more than a thousand——

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

Ms. FOXX. I yield an additional 1 minute.

Mr. FLAKE. There will be well over a thousand, if history proves correct here, over a thousand earmarks in the Defense bill, most of which will be earmarks to private companies, most of which will be in proximity to campaign contributions that will be returned—the circular fundraising that has become a fixture over the past couple of years under Republicans and Democrats in this House.

The purpose of narrowing the amendments that can be offered is so we won't have to face those kind of questions on the House floor. Is this money being appropriated for this company? Is this company or their executives contributing back to the Member who secured the earmark?

People don't want those questions being asked on this floor. That's why you're seeing amendments that won't be allowed in order here. That's what this is about. And it's a shame. We should do better than that. We owe this institution better than that.

With that, I urge opposition to the rule.

Mr. POLIS. The bill before us today has no earmarks. To elaborate upon the processes for awarding funds, I'd like to yield 3 minutes to the chairman of the Subcommittee on Technology and Innovation, the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman. I want to correct the impression that my friend and colleague from Arizona left. I respect him for his consistency in pursuing certain topics, but I believe that on this particular topic he has completely missed the mark.

Federal research dollars in this program are allocated on a merit, peer-reviewed process. That applies to the 97.5 percent of the moneys that are allocated for research. The products, the fruits of that research are sometimes commercializable, and that's why there's a 2.5 percent set-aside for the SBIR program.

Now, that 2.5 percent, which is what we're talking about here today, that 2.5 percent is given out by each of the agencies that sponsor that research on a merit-based process that is not subject to congressional influence of any kind whatsoever. It is done by the agencies by peers who are professionals in the field.

And any impression that my friend and colleague from Arizona has left that there is congressional influence in earmarking is completely wrong. He should take his battles about earmarks to an appropriate field, and not this one, where both the 97.5 percent of the research dollars that are granted as a peer-review process is awarded on merit, and the 2.5 percent of those research dollars that are awarded under this SBIR program is also awarded by peers in the field based on merit.

This has nothing to do with any congressional earmarking process, and any allegation to the contrary just completely misses the mark.

Mr. FLAKE. Will the gentleman yield?

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding. I thank the gentleman from Oregon for clarifying that. All my amendment would do is say that this program should continue to be based on merit rather than be subject to congressional earmarking.

I appreciate what the gentleman has said. Unfortunately, we have seen program after program after program that started off as a merit-based program all of a sudden be earmarked later. All this amendment would have done is what we have done in many other bills by voice vote and roll call, to simply stipulate that in future, or for the life of this authorization, those moneys that are meant for merit-based programs are not earmarked by Congress.

And so I thank the gentleman for clearing that up. I just wish we would have made this in order. The fact that we didn't worries me because this becomes irresistible to Republicans and Democrats alike to start earmarking these funds.

Mr. POLIS. With the Nation facing a historically tight credit market, H.R. 2965 makes it easier for small businesses that participate in SBIR to find capital and lets the business owners—not Washington bureaucrats—decide how to raise that capital.

The commonsense improvements to the SBIR program, clarifying its mission and which businesses qualify, will make an already successful program run more efficiently and yield better results for taxpayers and for American businesses.

The new focus on bringing products to market will help create even more job growth in manufacturing as well as support industries. America can be competitive and will continue to be competitive in manufacturing jobs in the high-tech sector. As technology improves at a lightning pace, the investments we make today in high-tech companies will ensure our Nation's technological advantage for many years to come.

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The success of these companies brings new technology, efficiency and economic activity to Federal agencies and private industry alike. But more importantly, these successes will spark interest in science and technology in our youth. The advances we make now need a steady pipeline of new lines to keep us on track. We can leave no better legacy to the next generation of Americans than our example of intellectual prowess. Our colleagues on the Small Business Committee and the Science and Technology Committee understand the importance of taking action now for a stronger economic future. It is for this reason that both committees voted unanimously to bring this legislation to the floor of the House of Representatives.

Mr. Speaker, let us follow the example of our colleagues by putting partisanship aside and reauthorizing this program which has been so beneficial for our constituents. Let us show the American people that this is what we can accomplish when Democrats and Republicans work together for the common good.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I rise in opposition to the rule. There were several germane amendments submitted—including amendments by Congressmen MARKEY and GINGREY—that would have corrected a fatal flaw in this legislation. The bill sets the precedent to redefine what it means to be a small business by allowing large business interests to take advantage of a small business program.

I am not disparaging the venture capital industry. It's extremely important. It plays a great part and a vital role in our economy because venture capitalists fill a vacuum that banks simply cannot touch. Banks generally do not lend money for long-range research projects that are based on little collateral. However, because venture capitalists generally do not get involved in first-stage seed investment—the equivalent of Phase I funding in the SBIR program—efforts to dramatically expand the SBIR program to VC-owned firms will come at the expense of the truly small independent inventor looking for the first phase of feasibility funding.

According to the latest data from the Small Business Administration, venture capitalists funded only 237 startup or seed investment deals for $894 million in the entire United States in 2005. In contrast, the SBIR program funded 6,010 startup or seed investment deals for $1.86 billion in 2005. In addition, the venture capitalist seed deals were primarily concentrated in just five States—California, Maryland, Massachusetts, Pennsylvania and New

York—but SBIR awards were more dispersed geographically throughout every State in America.

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

Ms. FOXX. I yield the gentleman from Illinois 1 additional minute.

Mr. MANZULLO. That's the problem, Mr. Speaker, because the bill comes up as a small business bill, but the language has been changed to allow these large venture capitalist firms to displace funding which was designated for small businesses for years. I chaired the Small Business Committee for 6 years; and year after year this issue came up as to what size company should be involved in getting this type of grant. It just does not make sense to now expand the definition of small business to include many of these venture capital firms; and that's why without the protections of the Markey amendment or the Gingrey amendment, funding designed for small businesses simply will go away. So I would urge the House to oppose the rule and to vote against the bill.

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

To address the points made by my colleague Mr. MANZULLO of Illinois, previous to this change, we effectively require that recipient companies take government money in Phase I in order to be eligible for Phase II. By making this change, we're saying, You know what, you don't need to rely on the government. You can raise private capital to make yourself eligible for Phase II. And we can actually have more funding available for Phase II by reducing the need for Phase I money by using private capital sources rather than government capital, rather than the taxpayer money that would otherwise go into it.

We also have protections to ensure that a majority of the company is owned by those inventors and entrepreneurs who start the company. Venture capital investment is typically 20, 30, 40 percent of the company. Under this bill, we also stipulate that it can't be a majority of the company.

Mr. MANZULLO. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from Illinois.

Mr. MANZULLO. The bill clearly shows that a VC couldn't own a majority of a company that gets an SBIR grant, but the majority of the stakeholders in the majority-owned company have to be individuals. It still allows the big VC companies to come in and displace the money that otherwise would go to small businesses. Venture capitalists do tremendous work; but certainly not in this situation, where the money gets diverted from the big companies to the little guys.

Mr. POLIS. Reclaiming my time, why should companies be forced to accept government grants when there's private capital out there that would be willing to save taxpayer money, invest in those companies, bring that technology to the next stage and preserve that taxpayer money to be able to invest in the commercialization of those products and technologies?

With that, I would like to yield 2 minutes to the gentleman from Oregon (Mr. WU), the chairman of the Subcommittee on Technology and Innovation.

Mr. WU. I thank the gentleman.

I want to address the points raised by Mr. MANZULLO, which I also believe to be erroneous. First, the history of this program has been that from 1982 until 2003, venture capital investment in SBIR companies was not restricted in any way whatsoever. The National Academy of Sciences studied this issue and said that during that period, there is absolutely no evidence that VC funding helped crowd out any small businesses. The legislation then and the legislation today limits the businesses that receive SBIR grants to those with 500 employees or less, the quintessential definition of what a small business is.

Now what happened in 2003 is that a single administrative law judge in Boston, Massachusetts, interpreted a domestic ownership provision in the law to say that it has to be owned by real American people as opposed to American VCs. That was permitted before. The 2003 ruling has been expanded, in effect, to bar majority VC ownership. That is wrong. It prevents the public sector from giving money under this program to very good technologies. It prevents companies from raising money from both the public sector and the private sector, and this argument is completely erroneous about big VCs. We are talking about small companies. We are talking about small companies getting SBIR grant funds, and those small companies may have board members from VCs, but they are independent of VCs.

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

Mr. POLIS. I yield the gentleman 1 additional minute.

Mr. WU. Quite frankly, I do not know of a single VC that wants to spend the time or energy controlling an investment company. What they want to do is to get their money out with a big return. What the gentleman is concerned about is a scenario that just doesn't occur in the real world.

Paradoxically, what the gentleman is pressing is a position that actually penalizes the smaller companies because it is precisely the smaller company that has to give away more of its equity to VCs to raise the same amount of money. So if you are a three-employee company, you might have to give away 60 percent of your company to raise $1 million; whereas, if you have 30 employees or 300 employees, you might only give away 10 percent of your money to raise the same amount of money. Paradoxically, what the gentleman is asking for actually penalizes small startup companies.

Ms. FOXX. Mr. Speaker, I yield the gentleman from Illinois 1 additional minute.

Mr. MANZULLO. When I chaired the Small Business Committee, I had a steady trail of VCs coming to my office wanting to change the law, pleading poverty. And I asked one gentleman, What's your net worth? He said $40 million, and the meeting ended.

The problem with this bill is that it will crowd out the little guys, for whom it was originally intended. And the decision that was correctly made by the judge, that these are very special set-asides—2.5 percent are designed for the little guys, and the big guys can go after the 97.5 percent—and what little crumbs are left for the little guys will be eaten away by allowing the VCs to come in under the proposed changes. That's my concern with this, and that's based upon 6 years of people lobbying me to change the bill, and I refused to do that when I chaired the Small Business Committee.

Mr. POLIS. Mr. Speaker, I would share with my colleague from Illinois that in my previous career before I came to Congress, I had been on various sides of this equation. I have been a venture capital investor. I have been in venture-backed companies. I have been a limited partner in venture capital companies, and I have raised money from individual investors as well.

I can't see any good reason why the government should discriminate on the form of capital based on the form of capital the company has raised. It might be debt financing from a bank. It might be private capital from individual investors. It might be professional venture capital. It might be a grant under DARPA. It might be a Phase I grant under SBIR. These are all valid ways to raise money. These are all perfectly fine ways. Personally, I think it's better when they raise money from people rather than taxpayers. If they raise money from venture capital investors, that's a plus. If they raise money from a bank through credit, that's a plus too.

The truth is, a lot of types of businesses aren't bankable. They can't borrow. They can't leverage because they are not buying a tangible asset with that. If you are in software, if you are in e-commerce, you can't borrow to develop that company. You need to rely on equity capital. By discriminating based on equity capital, which is what we are talking about with venture capital, you are basically favoring companies that have a bankable asset that they're purchasing.

Now I'm sure both kinds of companies are critical for the future of our economy, but many of the very technology companies we need to support and are going to be a powerful growth sector in biotech, in computer technology, are going to be companies that can only raise money through equity capital. And by allowing them to do that, through allowing venture capital-

backed companies to be eligible for these programs, we're furthering our engine of economic growth.

I would like to yield 2 additional minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman.

Mr. Speaker, to address the points raised by the gentleman from Illinois, this is a program that permitted unlimited venture capital participation from 1982 until 2003. The National Academy of Sciences studied the program then and now. There is absolutely no evidence that VC investment crowds out any small business whatsoever. That was the finding of the National Academy of Sciences. They also found that by permitting venture capital majority participation companies to apply for SBIR, it improved the quality pool of the applicants for SBIR funds.

Now I think one needs to understand that there are two very different segments of this industry. One is the industries that Mr. POLIS and I are more familiar with, in biotech and high tech where companies typically pick up one of these grants or maybe just a couple, and they rocket up or grow and become a public company to get some VC investment. But it's a hockey puck growth curve. It's the classic high-tech startup. There is another group of companies that basically is concentrated around the Defense Department; and they are, in effect, the research arm of the Defense Department. They are steady-state small businesses that are going to have a stream of SBIR and STTR grants, and this is how they fund themselves. Both are valid business models. This has been a very acrimonious battle between these two very different groups of folks who haven't taken enough time to understand each other.

Quite frankly, I came from the high-tech, high-growth model; but I've tried to come to understand this other defense-oriented, steady-state, many SBIR grants model.

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

Mr. POLIS. I yield 1 additional minute to the gentleman from Oregon.

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Mr. WU. What we have in the bill is a careful set of protections so that this is approved by many of the parties around the table, but evidently not all. We are going to permit majority venture capital ownership again to improve the quality of applicants so that we choose the proper technologies and the best technologies for both the public and the private sectors. There would be certain restrictions on VCs that are owned by large corporations, and no VC could control the board of any of these applicants.

The provisions in the bill are carefully crafted. They are emphatically in the interests of the smallest investees, that is, those small companies that have to give away more of their equity to get a certain amount of money from a venture capitalist. Those are the companies that have been disqualified under the ALJ ruling, under the judge's ruling, and the historic norm from 1983 to 2002 will be partially restored by this bill.

Ms. FOXX. Mr. Speaker, it is my understanding that this program has resulted in many good things happening in our country. We are now going to be spending this year $260.5 million on this program; however, I think that we need to call attention to the many ways that the Democrats are harming small businesses in our country.

This is a small program, but what they are going to be doing, in terms of what we have understood from the Democrat health plan that is going to be introduced later this week, from press reports, is they are going to partially pay for it by imposing a surtax on individuals with incomes in excess of $250,000 a year. But because most small businesses do not pay corporate income taxes and, instead, pay taxes on small business income on their individual returns, small businesses are going to be particularly hard hit by this tax increase. While precise data is not currently available on the Democrat proposal, data is available on many small businesses that pay taxes at the top rate.

I want to talk a little bit about that. We have the results of a survey that the National Federation of Independent Business has done. It shows that out of all small businesses, 6.4 percent of those with one to nine employees, 21 percent of those with 10 to 19 employees, and 40 percent of those with 20 to 249 employees would be impacted by a tax increase on incomes above $250,000.

So while the Democrats are giving to a small group of small businesses in this country through this program, they are going to be hurting many, many more small businesses. And this, I think, in some ways is a sop to our small business community when what Republicans want to do is help all of our small businesses, and we can do that by keeping our taxes lower instead of raising them on them.

I would now like to yield 2 minutes to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding and for managing this time.

Initially I remarked that it is refreshing to at least hear from a Democrat or two who sound like they do believe and understand in business. That is refreshing. I would think that you would not be Democrats for that reason. I appreciate the dialogue, and I look forward to a lot more. Maybe we can get to the point on how this free market system really works.

I'm curious about this metaphor, ''hockey puck growth curve.'' I'm looking forward to when the gentleman from Oregon can explain that. I think that is the ''Obama hockey puck growth curve,'' which is when you drop the hockey puck in the middle of the arena. That is what has happened with our growth curve since this stimulus package was passed, but I will let him explain that a little further on his own time.

I wanted to raise the issue, Mr. Speaker, of two amendments that were refused by the Rules Committee that I offered in committee and in the full Small Business Committee. We should be about equal opportunity under the law and opportunities for everyone to succeed in this country in a free market economy; yet we have a situation where we are going to approve organizations to be helping out to advance the information and the grants would go to the organizations, and yet one of the organizations that could qualify is ACORN, which has produced over 400,000 fraudulent voter registrations and admitted to that. They and/or their employees are under investigation in 14 States. There is a clear consensus that they are an organization that has at least the image of a criminal organization, and there were investigations. We are in a situation where they are coming into the census as well, and this Congress can't have a voice on whether we are going to approve Federal taxpayer dollars that might go to ACORN? I just ask, eliminate ACORN from this. No. We can't have a vote on that on the floor of the House, according to the Rules Committee.

By the way, we also have special preferences that are set up in this bill that I believe are unconstitutional, equal protection under the law. And these preferences go to either underserved organizations or disabled veterans or women or minorities. Now, if you're not a disabled veteran, the only way you qualify is as a woman or a minority——

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

Ms. FOXX. I yield the gentleman 30 additional seconds.

Mr. KING of Iowa. I thank the gentlelady.

Now, I would ask the indulgence of this body to think about what that means. When we have equal protection under the law, a Constitution that should protect us all equally, that is our guarantee, and yet we have legislation before this Congress that defines that it will go especially to women and minorities, and if you look at the cross-section of American society, and it specifically, by definition, excludes white men, I think it is discriminatory. I think that we need to preserve these resources to go to disabled veterans and underserved areas. That was my amendment. It was turned down by the Rules Committee. And, by the way, the Chair declared my amendment to ACORN to be partisan.

Mr. POLIS. To address the points of the gentlelady from North Carolina, when we are talking about this bill, we are talking about a pro business bill. There are no taxes in this bill. This is all budgeted for already in the budget that was passed.

The Democrats have already delivered a number of tax cuts for small businesses. Tax cuts are certainly part of the solution. We have done that through the American Recovery and Reinvestment Act for small businesses. Soon we will be taking up health care, which will be a tremendous benefit to the small businesses of this country.

This bill, H.R. 2965, which invests in small businesses, is supported by the Advanced Medical Technology Association, the Biotechnology Industry Association, the Medical Device Manufacturers Association, the National Venture Capital Association, and the U.S. Women's Chamber of Commerce. It is also supported by many of the patient advocacy groups who recognize that this type of investment will help cure the health concerns and address the health concerns of many American families. It is supported by the Cystic Fibrosis Foundation, the Parkinson's Action Network and the ALS Association.

These are all critical reasons that, for American small business to create jobs and for the health of our population and the continued growth of our economy, we need to pass this rule and pass this bill.

I would like to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I find it interesting that my colleague from Colorado would be praising a budget that was passed earlier this year that has the seeds of the largest tax increase in the history of this country and will impact all small businesses adversely.

I now would like to yield 3 minutes to my colleague from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentlelady for yielding.

With all due respect to my colleague from Oregon, my former chairman of the Subcommittee on Technology and Innovation, I do rise in opposition to this rule.

I had an amendment that would have addressed my concerns. While I am generally supportive of the bill, I have some concerns relating to venture capital involvement, and unfortunately, the rule does not provide for any commonsense amendment offered by Members on both sides of the aisle that would address these concerns. The gentleman from Illinois (Mr. MANZULLO) spoke just a few minutes ago, a former chairman of the Small Business Committee, about these same concerns.

Venture capital helps small business entrepreneurs gain credibility on solid ideas that have the potential for commercialization. However, while venture capital serves as an important component in facilitating small business success, it must also be closely monitored and scrutinized. Because these grants are intended, Mr. Speaker, for small business research and development, we must ensure that venture capital does not represent a majority of the financial interest within the company of SBIR applicants.

Existing law and regulation limits a single venture capital firm from owning 49 percent of the interests of the company applying for the grant. This bill leaves open the possibility that multiple venture capital firms could own the majority of the financial interests within the company. Anyone could own up to 30 percent, or they could own 90 percent of the company. So I believe this goes against the spirit of the program, Mr. Speaker.

The SBIR program is designed to provide assistance to a small business that may have an idea that can be considered a diamond in the rough without necessarily having financial backing to bankroll a promising idea. We had hearings on this issue, and venture capitalists came before us, and they were in the business of, it seemed to me, Mr. Speaker, with all due respect, of churning this program, and I just had great concerns about that. I think overall it is a good program.

Mr. POLIS, you can put me down as supporting the program with all those other organizations that you mentioned, but we should have improved this. We should have had better oversight on venture capital.

Mr. POLIS. Mr. Speaker, again, there is no good economic reason to discriminate on the form of capital, the form of private investment that goes into companies. When you have a company that borrows, a company that has access to credit, one could argue if they are worth less than they borrowed, the bank owns 100 percent of the company, and yet that company could, in fact, be eligible for the SBIR grant. The control provisions are clear. The control of the company cannot reside with the venture capitalist. I think this is a very positive step towards the direction in making sure that, regardless of the source of capital of the company, we invest in the very best technologies, products and services for the American people.

With that, I would like to yield 2½ minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. I want to thank the chairwoman and ranking member of the Small Business Committee for bringing this legislation to the floor, and of course, I support the rule. The Small Business Innovation Research, SBIR, program, is an effort by Congress to increase the portion of Federal research and development dollars provided to small businesses.

Noticing that small businesses were being crowded out of government R&D grants by large corporations, Congress established the SBIR program. This program guarantees small businesses a portion of the Federal Government's large R&D budget.

Mr. Speaker, by any reasonable measure, the SBIR program has been a tremendous success, but some Members of Congress have raised concerns about how the funds are allocated. Critics have argued that certain business sectors receive too large a share of the available Federal R&D dollars and that certain demographics have little success obtaining any SBIR award money. This bill, brought to the floor by the Small Business Committee, makes a strong effort to address these issues. Found in the legislation are attempts to reach out to minority-owned businesses, businesses owned by women, and most importantly, veteran-owned businesses.

It is with the same spirit that I ask the Small Business Committee to consider my language, which directs agencies with an SBIR program to make a concerted effort to reach out to Native American and tribally owned businesses. My State of Oklahoma is home to 38 federally recognized tribes, 17 of which reside in my district. It is my hope that my language, found in the manager's amendment, will make it easier for Native American-owned businesses to obtain these valuable SBIR awards.

Again, I want to thank the chairwoman and ranking member of the Small Business Committee for accepting my proposal. I strongly urge my colleagues to support this legislation and the rule.

Ms. FOXX. Mr. Speaker, we are not talking about taxes being in this bill. Many, as I have said, support this legislation. However, we do know that this is a drop in the bucket compared to the jobs that the Democrats are killing in this country right now, and I'm going to talk a little more about that later. But just the bill that passed just before we went home for the Independence Day break, the cap-and-tax bill, we know is going to eliminate between 1 and 7 million jobs in this country if it is enacted. So many, many more jobs are being killed by this Congress than are being created by this small bill.

I would now like to yield 2 minutes to our colleague from New York (Mr. LEE)

Mr. LEE of New York. I want to thank my friend for the time and to rise to strongly oppose the rule for H.R. 2965.

Because I strongly support the SBIR and STTR programs, I tried to strengthen this legislation by offering a simple amendment that would help ensure their focus remains on their original mission, to support the true small businesses, the family-owned startups that rely on these programs as their main source of seed capital.

Embedded in this legislation is an erroneous provision that makes venture capital-funded companies eligible to participate in these two critical grant programs.

□ 1130

This is a serious flaw. I have major concerns about the potential for highly organized and well-funded venture capital organizations to swamp the system and crowd out those small businesses, those small businesses that are creating the jobs in this country, from getting access to capital. Many of

these small businesses reside in my district here in western New York, and there is such a hard time right now trying to stay afloat. This bill, now allowing venture capital to come in, is the wrong message.

This sentiment has been echoed by members of my 26th District advisory board. One of the members wrote: ''It appears likely that the changes proposed in the bill will result in a distribution of dollars to areas that have a greater number of venture capital-backed companies, such as Massachusetts and California.''

My amendment was not accepted, which is unfortunate, because just last year the Senate forged a sensible bipartisan compromise on this issue. Hopefully, they will play a similar role now given the House's failure to lead on this issue.

Washington is simply not doing enough to support small businesses in these tough economic times. That's why I urge my colleagues to vote down this rule so we can craft a stronger bill.

Mr. POLIS. Again, I think there is, from the other side of the aisle, somewhat of a misunderstanding with regard to what venture capital is. It's as valid a way to finance a company as anything else. It has nothing to do with whether the company is large or small.

There are provisions in here, in the bill, that will require that the company is, in fact, a small company. Whether they receive their financing from a bank, from individual investors, from labor financing, which means people not taking a salary and kind of working for free or on spec, there is a variety of ways to finance companies. And it shouldn't be the business of the government to discriminate based on how a particular company chooses to finance itself.

With that, I would like to yield 1½ minutes to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Speaker, I rise in support of the Enhancing Small Business Research and Innovation Act. Small businesses drive economic growth and create over two-thirds of new jobs. They play a vital role in research and development of new technologies. Small businesses are at the cutting edge of the new clean energy economy.

Before leaving for the 4th of July, we bravely passed an energy bill declaring our independence from oil executives and petro-dictators. As we return to do the people's business, we must pass legislation that will help our small businesses drive and promote the research in energy and alternative fuels.

There are many businesses in my district leading the Nation on new technology, from the production of biodiesel at Red Birch in Henry or Windy Acres in Pennsylvania, to nanotechnology at Luna nanoWorks or NextGen Technology around Danville. We must ensure that our small businesses, the dynamic engine of our economy, are not left behind in the conduct of new breakthrough research.

While I share concerns about opening the program up to venture capitalist firms, I urge my colleagues to support the small business owners over the petro-dictators. Vote for science. Vote for this bill.

Ms. FOXX. Mr. Speaker, I would now like to yield 3 minutes to our distinguished colleague from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentlelady for yielding.

I am pleased that the bill before us today leaves the amount set aside for extramural research budgets of 2.5 percent for the SBIR and 0.3 for the STTR programs and that it remains unchanged from the current law. Last year the House considered legislation which would have increased the set-asides for these programs. However, an amendment I offered at that time on the floor of the House to leave the set-asides unchanged was voice-voted on the floor and approved.

There is a good reason for this. If we do want to increase the amount of money going into the SBIR and STTR programs, the money should come from increasing the allocations to the basic research programs from which these particular programs receive a percentage. I believe that the amendment I offered last year proved to be non-controversial because of the overwhelming support for increasing the funding for these important programs by increasing the overall research funding at the agencies. I understand, however, that the Senate version of this bill does not do that, but increases the set-aside.

By increasing the set-aside, we will only eat away at the base funding for research available to our scientific agencies. I would much rather see us fight for overall extramural research funding increases, which will equivalently benefit the innovation and tech transfer activities of these programs. And I certainly hope that the House conferees will stand strong on this issue in conference with the Senate. The House has done the right thing, and we must support our conferees on that point.

A coalition of more than 100 scientific and professional societies, universities and research institutions have written a letter of support for maintaining their current allocation levels, stating that an increase in set-asides ''would restrict competition for $1 billion in Federal research dollars when future funding levels are uncertain.''

Another letter from the Association of American Universities asserts: ''We believe there is no justification for such increases, especially as such increases would come at the expense of peer-reviewed basic and applied research programs.''

I submit a copy of this letter and another similar one for the RECORD.

JULY 7, 2009.

Re H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009.

Hon. NYDIA VELÁZQUEZ,
Chairwoman, Small Business Committee, House of Representatives, Washington, DC.

Hon. SAM GRAVES,
Ranking Member, Small Business Committee, House of Representatives, Washington, DC.

Hon. BART GORDON,
Chair, Committee on Science and Technology, House of Representatives, Washington, DC.

Hon. RALPH M. HALL,
Ranking Member, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN VELÁZQUEZ, CHAIRMAN GORDON, RANKING MEMBER GRAVES AND RANKING MEMBER HALL: The undersigned, patient advocacy organizations, scientific and professional societies, higher education associations, and research institutions, write to express our support for your efforts to reauthorize the Small Business Innovation Research (SBIR) at its current allocation level. We stand together in opposition to a provision in the Senate SBIR/STTR Reauthorization Act of 2009 (S. 1233) that would increase the allocation for the Small Business Innovation Research (SBIR) program from 2.5% to 3.5% of any federal agency budget that provides more than $100 million for research. As the legislative process moves forward, we urge the adoption of the House version of this legislation for the reasons described below.

We recognize the benefits of the participation of small businesses in scientific research. Unfortunately, the Senate has proposed a mandatory increase in the SBIR allocation across agencies that will necessarily result in funding cuts for the peer-reviewed research conducted by other organizations. This fundamental research creates the discoveries that fuel innovation, improve quality of life and contribute to our country's economic growth. Indeed, the increase in the SBIR allocation proposed in S. 1233 would restrict competition for $1 billion in federal research dollars, during a time when future funding levels are uncertain. Rather than increasing support for one type of research at the expense of all others, we urge Congress to work with the Obama Administration to increase funding for all research, thereby increasing the total investment in SBIR.

We applaud your hard work on this complex issue, and stand ready to work with you to pass the Enhancing Small Business Research and Innovation Act of 2009 (H.R. 2965).

Sincerely,

Ad Hoc Group for Medical Research.
American Association for Dental Research (IADR).
American Association for the Advancement of Science (AAAS).
American Association of Anatomists (AAA).
American Association of Colleges of Nursing (AACN).
American Association of Colleges of Osteopathic Medicine (AACOM).
American Association of Colleges of Pharmacy (AACP).
American College of Radiology (ACR).
American Educational Research Association (AERA).
American Gastroenterological Association (AGA).
American Liver Foundation (ALF).
American Mathematical Society (AMS).
American Psychological Association (APA).
American Society for Biochemistry & Molecular Biology (ASBMB).
American Society for Investigative Pathology (ASIP).

American Society for Nutrition (ASN).
American Society for Pharmacology & Experimental Therapeutics (ASPET).
American Society of Nephrology (ASN).
American Statistical Association (ASA).
Arizona State University.
Association for Psychological Science (APS).
Association for Research in Vision and Ophthalmology (ARVO).
Association of American Medical Colleges (AAMC).
Association of American Universities (AAU).
Association of Independent Research Institutes (AIRI).
Association of Population Centers (APC).
Association of Public and Land-grant Universities (A.P.L.U.).
Association of Schools of Public Health (ASPH).
Biophysical Society (BPS).
Boston University School of Medicine.
California Institute of Technology.
Case Western Reserve University.
Cedars-Sinai Medical Center.
Coalition for the Advancement of Health Through Behavioral and Social Sciences.
Research (CAHT–BSSR).
Coalition for the Life Sciences (CLS).
Coalition to Protect Research (CPR).
Columbia University.
Computing Research Association (CRA).
Consortium of Social Science Associations (COSSA).
Consortium of Universities for the Advancement of Hydrologic Science, Inc. (CUAHSI).
Council of Energy Research and Education Leaders (CEREL).
Council of Environmental Deans and Directors.
Duke University.
Energy Sciences Coalition (ESC).
Environmental Mutagen Society (EMS).
Federation of American Societies for Experimental Biology (FASEB).
Federation of Behavioral, Psychological, and Cognitive Sciences (FBPCS).
Harvard University.
Indiana University.
Institute for the Advancement of Social Work Research (IASWR).
Ktech Corporation.
Michigan State University.
National Alliance for Eye and Vision Research (NAEVR).
National Alliance on Mental Illness (NAMI).
National Caucus of Basic Biomedical Science Chairs (NCBBSC).
National Council for Science and the Environment (NCSE).
National Health Council.
National Multiple Sclerosis Society.
New York-Presbyterian Hospital.
North Carolina State University.
NYU Langone Medical Center.
Ornithological Council.
Population Association of America (PAA).
Rutgers, The State University of New Jersey.
Small Business California.
Society for Industrial and Applied Mathematics (SIAM).
Society for Neuroscience (SfN).
Society for Research in Child Development (SRCD).
Society for the Study of Reproduction (SSR).
Stanford University.
SUNY Upstate Medical University.
Syracuse University.
The American Association of Immunologists (AAI).
The American Brain Coalition (ABC).
The American Physiological Society (APS).
The American Society for Cell Biology (ASCB).
The American Society of Human Genetics (ASHG).
The Council on Undergraduate Research (CUR).
The Endocrine Society.
The Ohio State University.
The Teratology Society.
Tulane University.
University of Cincinnati.
University of Maryland.
University of Maryland School of Medicine.
University of Miami.
University of Minnesota Medical School.
University of Rochester.
University of Southern California.
University of Texas Health Science Center.
University of Vermont.
University of Virginia.
University of Washington.
University of Wisconsin-Madison.
Vanderbilt University.
Washington University in St. Louis.
Weill Cornell Medical College.
Yale University School of Medicine.

ASSOCIATION OF AMERICAN UNIVERSITIES,
Washington, DC, July 6, 2009.

Hon. ADRIAN SMITH,
Ranking Member, Subcommittee on Technology and Innovation, House Science and Technology Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SMITH: On behalf of the Association of American Universities, I write today to express support for reauthorization of the Small Business Innovative Research (SBIR) programs with the inclusion of two key provisions contained only in the House version of the bill, H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. These provisions would maintain the current Small Business and Innovative Research set-aside at 2.5 percent and increase the ability of firms with significant amounts of venture capital to participate in the SBIR program. AAU does not support S. 1233, legislation recently marked up by the Senate Committee on Small Business and Entrepreneurship, specifically because of language it includes on these two aspects of this critically important legislation.

AAU is the association of 60 leading U.S. public and private research universities whose member institutions perform roughly 60 percent of federally funded university-based research, and award more than half of all Ph.D. degrees earned in our country. We strongly prefer H.R. 2965, as currently drafted, over its Senate counterpart, S. 1233, for two reasons. First, the House bill does not propose to increase the SBIR percentage set-aside. Like the House, we believe that there is no clear justification for such increases; especially as such increases would come at the expense of peer-reviewed basic and applied research programs at agencies such as NIH and NSF. In our view, increasing the set-aside would reduce even further the number of successful research grants that are awarded by federal research agencies.

This is not to suggest that we do not favor increasing the amount of funds going to SBIR and STTR. Our view is that the best way to increase the amount of funding available to these programs is to provide steady and sustained funding increases for federally supported research. Indeed, we hope to work with the small business community to increase research budgets across all of the major research agencies, which would result in significant funding increases for the SBIR and STTR, as well as other important research programs.

AAU also supports a second provision of H.R. 2965 that allows firms with significant venture capital funding to compete for SBIR and STTR awards. As you know, current Small Business Administration (SBA) regulations effectively disqualify small companies that have received significant venture capital investment or are owned by another company with significant venture capital investment from competing for SBIR and STIR funds. As then-NIH Director Elias Zerhouni said in a 2005 letter to the SBA, ''this rule dries up Federal funding for early stage ideas from small companies that, by attracting substantial [venture capital] funding show strong signs of likely success.'' AAU shares the view of the NRC that venture capital investment in companies seeking SBIR funding confirms the quality of those projects and would raise the quality of the applicant pool overall.

AAU strongly supports reauthorization of the SBIR and STTR programs and hopes that Congress will approve legislation similar to that approved by the House. We agree with the National Academies' assessment of these programs as being ''sound in concept and effective in practice.'' Both programs play an important role in the nation's overall innovation ecosystem by transforming cutting-edge, innovative ideas and research into viable, market-ready products for the American consumer. We strongly oppose legislation such as S. 1233, which increases the percentage of R&D funding set-aside for SBIR at the expense of other equally important research. We also favor increasing the ability of firms with significant amount of venture capital to participate in the SBIR program.

With best regards,

ROBERT M. BERDAHL,
President.

It is my hope that the House conferees will support SBIR and STTR growth through overall funding increases for our innovation agencies, instead of considering increasing the set-asides. In other words, the House today is taking the right action, precisely as they did last year.

It is extremely important for us to stand together when dealing with the Senate conferees and insist on taking this approach. This is a much better approach to take, and I congratulate the House committee on dealing with it in this way.

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

Ms. FOXX. Mr. Speaker, we have had, I think, a very good debate on this rule. We have explained why the rule should not be approved.

Very, very good amendments which were offered to this rule were not accepted. Amendments to the bill were not accepted, and we should be dealing with those amendments. We want to make sure that the money that is going to help small businesses in this country is being used as wisely as it can be. We know right now that the American people are hurting and continuing to lose jobs.

The impact of the policies of this administration and the Democratically controlled Congress have been devastating, not only to large but also to small businesses. The Obama administration and congressional Democrats

promised us earlier this year that their trillion-dollar stimulus would create jobs immediately and unemployment would not rise above 8 percent. In June alone, almost half a million jobs were lost, driving unemployment to 9.5 percent, it's highest level in almost 3 decades.

It's clear that the Democrats' trillion-dollar stimulus bill isn't working.

Every American has the right to ask where are the jobs that were promised by them. Every American has to ask on every piece of policy that we pass here, how is it going to impact jobs? How is it going to impact me as an American?

Small businesses particularly have a concern about this. We have been spending hours and hours and hours doing things like honoring sports teams and athletes for their achievements. We have honored people retiring from their jobs, universities on various anniversaries and other items that are not critical to the operations of our government.

We want to acknowledge the achievements of all of these people and all of these groups, but what we should be doing is spending time talking about what we need to be doing to bring back this economy.

But the Democrats constantly say they have the schedule, they have to adhere to it, and as a result of it, they have to limit the amendments that can be offered on the floor to these important bills.

Those are not very good excuses while the American people, I think, are hurting. They, again, have the right to ask where are the jobs that were promised, what is happening to this economy?

The American people also know we cannot tax and spend and bail our way back to a growing economy. The Democrats in this body are on the side of more government and more taxes. Small businesses, not government, are the engine of our economy.

House Republicans are on the side of the American people, and what we want to do is focus on small businesses to help put America back to work. We know that the health care bill that's going to come forward, we believe, later this week or next week, will have lots of tax increases in it that are going to finance their health, quote, reform proposal.

However, what it's going to do is have a negative impact on small businesses. As I mentioned earlier, the cap-and-tax bill, which passed here 10 days ago, will eliminate between 1 million and 7 million jobs in this country if it is enacted.

So while there is this small sop to small businesses and to the American people in the form of this bill, I am going to urge my colleagues to vote ''no'' on the rule for H.R. 2965, Enhancing Small Business Research and Innovation Act, because we can be doing better for the American people and particularly better for small businesses.

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

Mr. POLIS. Mr. Speaker, if small businesses are the engine that drives our economy, then investment is the fuel. By ensuring that a portion of Federal research dollars are invested in small businesses, SBIR and STTR are fueling job creation and technological innovation. Since 1992, SBIR has issued 65,000 grants to small companies that are engaged in cutting-edge research to cure diseases, strengthen our national defense, and reduce our dependence on foreign energy sources.

This Congress has been tasked with helping American families keep their jobs through the worst economic downturn since the Great Depression. We now have an unemployment rate of 9.5 percent. While there has been disagreement and spirited debate on the best prescription to get our economy moving again, we are fortunate that we have in place programs that are time tested. Every year the SBIR program invests $2.2 billion in small businesses, helping 1,500 new firms get off the ground.

Mr. Speaker, I speak on behalf of Tech-X in Boulder; Coherent Technologies in Louisville; Community Power Corporation in Littleton; NavSys in Colorado Springs; and the many other small businesses which have benefited from the SBIR in my State of Colorado and across the country.

Again, I commend the Members and staff who have worked diligently to bring this bipartisan bill to the floor.

Mr. Speaker, as I said before and will continue to say, so much of our work thus far in Congress has moved us in the direction of creating more jobs. Whether it was passing the budget or work on health care, clean energy, education, the Recovery Act, the Green Schools bill, and even the Water Quality Investment Act created jobs. This bill is just another step on the road to recovery.

I urge a ''yes'' vote on the previous question and on the rule.

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.

Ms. FOXX. 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, this 15-minute vote on adoption of House Resolution 610 will be followed by 5-minute votes on motion to suspend the rules on H.R. 1275, if ordered, and motion to suspend the rules on H.R. 1945, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 187, not voting 9, as follows:

[Roll No. 480]

YEAS—236

Abercrombie
Ackerman
Adler (NJ)
Altmire
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
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
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
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
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, George
Minnick
Mitchell
Mollohan
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
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
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Courtney

Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Herger
Hill
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
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
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
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
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
Barrett (SC)
Broun (GA)
Cardoza
Ellsworth
Griffith
Hensarling
Miller (NC)
Sestak

□ 1209

Messrs. SHUSTER, ROONEY, KLEIN of Florida and Mrs. BONO MACK changed their 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.

UTAH RECREATIONAL LAND EXCHANGE ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1275, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1275, as amended.

The question was taken.

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

RECORDED VOTE

Mr. PERLMUTTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 9, as follows:

[Roll No. 481]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
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)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
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
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Broun (GA)
Butterfield
Cardoza
Dingell
Ellsworth
Hensarling
Melancon
Sestak

□ 1218

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TULE RIVER TRIBE WATER DEVELOPMENT ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1945.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1945.

The question was taken.

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 12, as follows:

[Roll No. 482]

AYES—417

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
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
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (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)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
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
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
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
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
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—3

Coble
Paul
Sensenbrenner

NOT VOTING—12

Abercrombie
Broun (GA)
Cardoza
Coffman (CO)
Diaz-Balart, M.
Dingell
Ellsworth
Hensarling
Lee (NY)
Ros-Lehtinen
Sestak
Shuster

□ 1227

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.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 2965.

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

There was no objection.

ENHANCING SMALL BUSINESS RESEARCH AND INNOVATION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 610 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. 2965.

□ 1228

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. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, with Mr. ROSS 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.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Science and Technology.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Nebraska (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

□ 1230

Ms. VELÁZQUEZ. I rise in support of H.R. 2965, updating and enhancing the Small Business Administration's Small Business Innovation Research and Small Business Technology Transfer programs.

Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 2965, which will reauthorize and improve the SBA's SBIR and STTR programs. This bill has strong bipartisan support and would work to invest in entrepreneurial innovation and job growth.

While our economy is recovering, it still has a ways to go. Even now, we need to be focused on putting Americans back to work. We need growth that is lasting and industries that are sustainable. We need jobs that cannot be shipped overseas and will not evaporate in the next cycle of boom and bust. But those jobs aren't going to appear out of thin air. They need to be created. By expanding existing industries and unlocking new ones, H.R. 2965 will generate the jobs we need.

The SBIR and STTR programs are vital to small business growth. Year after year, they help jump-start 1,500 new companies. At the very least, that is 1,500 new employers. Over time, that is millions and millions of direct and indirect positions. But while these initiatives are crucial, they're not living up to their full potential. Through H.R. 2965, we can improve SBIR and STTR so they are running at maximum capacity.

Job creation, Mr. Chairman, is the primary goal of R&D. But in order to generate new positions, we have to first develop new industries. Commercialization is critical to that process.

But, unfortunately, most research never makes it to the market.

To address that issue, we are creating commercialization benchmarks. We're also encouraging conversations between SBIR officers and purchasing agents. Ultimately, those dialogs will enhance the flow of information between buyers and sellers, helping more ideas move from the drawing board to the marketplace.

When all is said and done, commercialization means more than new products—it means new jobs. Once a product hits the mainstream, it opens up a world of opportunity in a wide range of industries, from retail to manufacturing. By stimulating these sectors, we can help our economy on its route to recovery.

Even as our economy rebounds, small firms struggle to find funding—particularly equity investment. Just a year ago, venture capital firms drove $5.7 billion into small companies. Today, we have seen almost a 50 percent decline. In terms of what that means for the economy, there are now $3.7 billion fewer dollars to help our small businesses create jobs. The programs' current regulations only compound those challenges.

By shutting venture capital out of SBIR and STTR, we are blocking billions of dollars to create jobs and limiting our ability to innovate. What are we supposed to say to a venture-backed firm that is researching cures for pancreatic cancer? Are we supposed to shake our heads and say, Sorry, you've done some promising research, but we just can't help you find a cure?

Mr. Chairman, this program is better than that. That is why H.R. 2965 gives small firms—not Washington bureaucrats—the final say in how their firms are financed.

This bill provides for the reasonable use of venture capital, while maintaining important safeguards. Make no mistake, SBIR and STTR are—and forever will be—small business programs. This provision doesn't change that. What it does do is give small firms the funding they need to develop new products.

Even with the necessary capital, small firms struggle to see R&D from start to finish. That is because it is a complex process. Measures to block funding delays and increase efficiency will streamline R&D, helping more products make it out of the laboratory and into the marketplace. Meanwhile, we're going to broaden the scope of American innovation.

Silicon Valley doesn't hold a franchise on innovation, which is why H.R. 2965 reaches out to underserved rural areas. Through cutting edge technology and grassroots marketing, it also seeks to bring women, minorities, and veterans into the SBIR and STTR programs.

Innovation is the first stop on the path to prosperity. By enhancing and expanding SBIR and STTR, we can encourage small business growth in all parts of the country. In doing so, we will help our small firms to grow, innovate, and—most importantly—create homegrown jobs.

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

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. Innovation happens every day. Whether it is a new development in the fight for cancer or a new computer system designed to protect our soldiers, more and more good ideas are coming from America's small businesses.

The Small Business Innovation Research, the SBIR, and the Small Business Technology Transfer, the STTR, programs help to take ideas and turn them into practical products. By all accounts, the SBIR and STTR programs are highly successful Federal initiatives designed to encourage economic growth and innovation within the small business community.

Created in 1982, the SBIR program offers competition-based awards to stimulate technological innovation among small private-sector businesses while providing government agencies with new, cost-effective solutions to meet their needs. This program is not only critical to the unique needs of each of the participating Federal agencies, but also to our national economy.

Small businesses invigorate the U.S. economy by introducing new products and lower cost methods of doing business, sometimes with substantial economic benefits. They play a key role in introducing new technologies to the market, often responding quickly to new market opportunities.

Our committee worked in a bipartisan manner to produce this legislation. We held several hearings on this topic over the last few months, inviting the Small Business Administration, SBIR and STTR program managers from Federal agencies, various small businesses, and academics to discuss the program successes and to consider amendments that would improve them. I'm happy to say that many of the ideas that were presented to the committee have found a way into this legislation.

For example, the topic that dominated much of the discussion at our hearings was the appropriate level of venture capital involvement in the SBIR program. Unfortunately, there have been several misconceptions stated about this provision in the bill.

In 2003, the Small Business Administration reversed a 20-year-old policy by ruling that small businesses that are majority-owned by venture capital companies can no longer compete for grants under the SBIR program, regardless of how few employees companies have. As a result, this has jeopardized the development of innovative treatments, therapies, and technologies.

The goal of our proposal is to ensure that America's small businesses continue to be the world's leader in innovative research and development and to provide the best small companies with the greatest commercialization potential access to SBIR and STTR programs.

In addition, access to capital is a real concern for small businesses across all industries, and our provision provides small businesses another path to acquire the capital they need to be successful.

It is also important to keep in mind that these programs will remain open for competition among all small businesses, and Federal agencies will choose the best small business to win the award.

H.R. 2965 contains significant and dedicated safeguards to ensure that the SBIR program remains a small business program. It forbids a small business with one venture capital firm having over 50 percent ownership from qualifying for that small business award. The bill also has safeguards to prohibit large companies from taking control of the small business and receiving small business grants.

The legislation also bans a business whose board's majority is from a venture capital firm from participation in the program. Finally, because venture capital investments are often done as a group to reduce risk, the bill strictly limits the amount of participation of venture capital firms that are themselves owned by a business of over 500 employees.

Our comprehensive bill also takes significant strides to bring the programs into the 21st century by increasing the award sizes, enhancing data collection and reporting requirements for better oversight, and providing Federal agencies with the mechanism by which they can meet and share best practices.

Mr. Chairman, I urge my colleagues to support this bipartisan legislation.

I reserve the balance of my time.

Mr. WU. I yield myself such time as I may consume. In today's economy, small business is where innovation happens. The Science and Technology Committee intends to promote science and technology research that drives an innovation economy. That is why I rise in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act.

At more than $2.3 billion per year, the Small Business Innovation and Research and Small Business Technology Transfer programs comprise the largest source of Federal support for technological innovation in the private sector. Given the current economic climate, we need robust SBIR and STTR programs to create the next generation of companies that will provide high-paying jobs and grow our economy.

However, these programs originated more than 25 years ago. Given the economic changes we have seen during the past two decades, we need to update these programs to reflect the current economic realities of our increasingly competitive innovation economy.

The Committee on Small Business and the Committee on Science and Technology have held numerous hearings on SBIR and STTR over the past several years. Witnesses shared many recommendations about how SBIR and STTR can be strengthened.

Recently, both committees overwhelmingly supported H.R. 2965, with each committee voting favorably to reauthorize SBIR and STTR through 2011 with some much needed modernization and changes.

The legislation has been endorsed by more than 100 organizations, including the American Association of Universities, BIO, the National Venture Capital Association, the Energy Sciences Coalition, and the Cystic Fibrosis Foundation.

The bill increases the award sizes for phase 1 and phase II to reflect the actual cost of doing high-tech research today. It also increases the flexibility of the SBIR by allowing cross-agency awards and allowing applicants to apply directly for phase II funding.

H.R. 2965 allows venture capital-backed small businesses to once again apply for awards and specifically defines their eligibility requirements. This temporary ban on venture capital majority ownership was the result of a ruling in 2003 by an administrative law judge in Boston.

For 20 years—from the inception of the program in 1983—to 2003, venture capital-funded companies could freely participate in these programs. There is no evidence, there is no evidence anywhere, that during that time there was any crowd-out of other businesses by VC-backed businesses.

There has been a lot of debate over the role of venture capital participation, but the National Academies recently released a report that states that venture-backed companies are important. They contribute greatly to technologic development and they do not—emphatically, do not—crowd out other small businesses.

The goal of SBIR is to encourage innovation. It is time that we fix the administrative ruling of a single judge and support more innovative small businesses and the best technology that we can help bring to market.

Today, we recognize our leadership by reauthorizing SBIR and STTR. I want to commend Chairwoman VELÁZQUEZ in particular for her commitment to small business innovation. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. SMITH of Nebraska. I yield myself as much time as I may consume.

I'm pleased to rise today in support of H.R. 2965, the Enhancing Small Business Innovation Act of 2009. As the country continues to suffer through this deep economic recession, we have regular debates in this House and in Washington regarding what policies will best help to alleviate the current downturn and accelerate recovery.

All too often in these debates it seems there is a tendency to overlook an important fundamental fact: The government does not create wealth and prosperity. It is created, rather, in the private sector, by risk-taking, entrepreneurial Americans with ideas and capital, and their own hard work. There is arguably no element of the private sector better equipped to drive the economic turnaround than America's high-tech small businesses.

□ 1245

To this end, there are ways the government can help turn our economy around, by minimizing its interference in the economy and fostering an environment where private sector innovators can flourish and their ideas can be developed into new goods and services which increase productivity and our quality of life. By providing small amounts of early-stage seed funding to entrepreneurs with cutting-edge ideas, the Small Business Innovative Research program and Small Business Technology Transfer program can help do that. With 12 participating agencies and total funding in excess of $2.3 billion, the SBIR and STTR programs reauthorized in this bill serve to facilitate increased private sector commercialization of these promising ideas while helping the government advance its R&D goals and meet its technology needs.

The legislation before us today makes important improvements to this program, most notably by providing statutory clarity to what have been changing interpretations of the eligibility of majority venture capital-backed small businesses. Both the Science and Technology Committee and the Small Business Committee have considered this issue in detail in recent years, and I think the growing consensus in support of this legislation's proposed changes is a strong indication that they are on target, maximizing the eligibility of legitimate small businesses while minimizing inappropriate eligibility of large businesses.

I also want to note my strong support for title III of this bill, which includes amendment language I included in a similar version of this legislation last year. The language requires agencies to give priority consideration to applicants from rural areas so as to increase award recipients from these areas. This is important to reach areas such as my home State of Nebraska, which tends to have low participation in the programs but are, nonetheless, home to entrepreneurial and innovative small business owners who would benefit from consideration in the grant review and award process.

I want to commend Chairman GORDON, Ranking Member HALL and Chairman WU—as well as our colleagues on the Small Business Committee—for their work on this legislation. I look forward to working with them to ensure smooth and timely passage of this bill as it moves to the Senate and into conference.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the Chair of the Subcommittee on Contracting and Technology who moved this legislation through the subcommittee, the gentleman from Virginia (Mr. NYE).

Mr. NYE. I would like to thank Chairwoman VELÁZQUEZ for her leadership here and also Ranking Member GRAVES.

Mr. Chair, as chairman of the Small Business Subcommittee on Contracting and Technology, together with Ranking Member SCHOCK, I've held several hearings to discuss how we can do more to help our small businesses research and develop the technologies of tomorrow. From those hearings two things became absolutely clear. Small businesses are the single most innovative sector of our economy; and with the right support, they have the power to lead us out of this recession. SBIR is a vital program that limits the risk that small business innovators face. The SBIR program is critical to innovative technology created by small businesses. Each year the program helps 1,500 companies get off the ground. Startups that receive SBIR grants are productive job creators. In fact, the employment growth rate for these businesses is nearly four times that of larger firms, employing 40 percent of all high-tech workers.

These firms have triggered extraordinary achievements. Take, for example, night vision goggles or technology for unmanned aviation. In fact, the SBIR program is crucial to improving tools that support our national security. At $1.23 billion, the DOD makes up more than half of all SBIR funding. Were it not for SBIR, critical breakthroughs accounting for improvements of technologies from our defense to health care may have never made it to market. And yet countless other new technologies don't make it past the laboratory doors. Innovation is a risky, resource-intensive process. Without proper funding, even the most brilliant invention may never make it.

Mr. Chair, SBIR and STTR are important tools for developing new products but not just as a means for invention. By sparking innovation, they mark the surest path to unlocking new markets, expanding new industries and, most importantly, creating new jobs. This bill is an important step towards lasting growth, and I look forward to its passage.

Mr. GRAVES. Mr. Chairman, I yield 5 minutes to the ranking member of the Contracting and Technology Subcommittee, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chair, I rise today in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. This bill incorporates the important language of legislation that I introduced in H.R. 2772, the SBIR and STTR Enhancement Act. I would like to thank first Chairwoman VELÁZQUEZ, Ranking Member GRAVES

and Mr. ALTMIRE for working to move this important piece of legislation forward and doing so in such a bipartisan way. I also want to thank my colleague Congressman NYE for his work with me on the subcommittee level to ensure that the process of modernizing the Small Business Innovation Research program was done in an effective, efficient and bipartisan fashion with the input from those who are most important, that is, the small business sector who utilizes this important program.

The Small Business Innovation Research, or SBIR program, as we refer to it, was established over 20 years ago and is an important resource in assisting small business owners wishing to bring their technological advancements to the marketplace. While small business owners represent some of the brightest innovators our country has, because of the high cost of doing technological research for the government, small businesses are, unfortunately, often underrepresented in receiving such research-intensive government contracts. When the Federal Government looks to the private sector for the development of new technologies and ideas, they must look beyond simply large corporate conglomerates to the small businesses that truly drive our economy and create American jobs.

I am encouraged that this legislation and the language contained in it will make a number of necessary and overdue changes to the SBIR program, ensuring its continued use to help in the commercialization of those innovations made by small businesses. Additionally, this language will equip the SBIR program with important new tools to bring it more in line with the needs of small business owners in the 21st century. Included are important provisions to allow for increased oversight, more transparency and greater flow of information between the recipient and participating agencies. We will now have more timely solicitation responses from these agencies, the creation of an online database to properly study and measure the performance of businesses participating in the program and new restrictions regarding potential program abusers. These changes will help SBIR continue to be one of the few government assistance programs which actually works.

Finally, by responsively increasing the grant limits, which have not been altered in over 20 years since the program's inception while simultaneously not increasing the total funding pool, we ensure that this program is streamlined to become more effective and efficient, to focus on granting funds to those potentially successful ideas that need this type of support to transition from concept to reality. Rather than throwing more taxpayer money at an unnecessarily large amount of grants, the SBIR program will now focus on investing in those ideas from small businesses which actually possess the potential to reach full commercialization phase.

Today this House will make these important changes to the SBIR program to ensure its continued use as a resource, which helps small businesses bring their new and novel ideas to the market while also providing a value to our economy, which we all know it so desperately needs. Knowing that over 60 percent of American citizens get their paycheck from a small business, it only seems right in these tough economic times that we focus on beefing up those support efforts here in the Federal Government to help the largest employers in our country, small businesses. I urge a ''yes'' vote and passage of this bill.

Mr. WU. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. TONKO), a leader in energy innovation.

Mr. TONKO. I thank the gentleman for yielding.

Mr. Chair, as you know, small businesses are the engine that will repower America's economy. Research and innovation in the small business venue have greatly contributed to advances in science and technology across the board. In fact, the city of Schenectady in my congressional district, the ninth largest city in New York State, was nicknamed ''The Electric City'' after Thomas Edison moved his company Edison Machine Works there in 1887, which was later followed by the opening of GE headquarters in 1892.

Today we are considering H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. I rise in full support of H.R. 2965. This program has proven to be one of the most successful Federal programs for technological innovation in United States history, delivering more than 60,000 patents and hundreds of valuable innovations in agriculture, in defense, in energy, in health sciences, homeland security, space, transportation and other fields.

Through Phase I and Phase II SBIR, countless jobs have been created in the capital region of New York State. It is through programs such as SBIR that my district has developed the underpinnings of support for a boom in high technology innovation and economic development. In fact, just over a month ago a constituent of mine, Dr. James Woo of Interscience, Inc. in Troy, New York, was at a national conference in Virginia. This conference was to showcase Navy SBIR Phase II projects to program managers and large defense contractors for transition. A great majority in attendance supported protecting the small business opportunities that have been part of this program. The reason is because small, innovative companies should have a genuine place at the Federal table. This place is for backyard inventors and local contractors, for small and very small businesses where the research is not likely a breakthrough in technology but a breakout of implementation.

At a time when our national unemployment is at 9.5 percent, we should do everything in our power to strengthen small businesses that generate 70 percent of new jobs in our country. It is important that we continue to favor small, innovative businesses.

There's simply no more effective way to boost our economy than to support the small business innovation that creates new jobs, new technologies and new American industries.

If the tavern was the cradle of democracy, then the garage is the cradle of enterprise.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Chairman, I yield 4 minutes to the bill's sponsor, the gentleman from Pennsylvania, Mr. JASON ALTMIRE.

Mr. ALTMIRE. Mr. Chair, some of these innovative small businesses that are involved in this bill used to qualify for venture capital funding under the previous rulings that were in effect until the year 2003. I introduced the Enhancing Small Business Innovation and Research Act to modernize the key programs for this country's greatest innovators, America's small businesses.

Since its inception in 1983, the SBIR program has facilitated American competitiveness, providing quality research and spurring technological innovation. But technology has changed since the last reauthorization more than a decade ago, and my legislation reauthorizes the program to keep up with the needs of modern small businesses. Additionally, this bill expands the talent pool from which the programs can draw by broadening the types of businesses that can participate to a more diverse set of firms and making SBIR research available to all areas of the country, even those not traditionally considered to be hotbeds of R&D.

Under this bill, Federal funding for technology innovation will be focused on supporting the work most likely to develop new products by targeting resources towards small businesses with the highest likelihood of commercialization. Perhaps most important, this bill helps firms participating in the SBIR programs to attract private investment. As we respond to the recession, SBIR and the Small Business Technology Transfer programs are two critical tools that provide valuable seed money for entrepreneurs who are willing to explore untested concepts and develop new products. Today it is difficult for small businesses to access financing by any means, venture capital or otherwise. We should be helping small firms raise capital, not penalizing those that do.

In my home region of western Pennsylvania, venture capital investments have spurred a resurgence of life science and biotech startups. Some of these innovative small businesses have even partnered with businesses in Cleveland, Ohio, to promote private investment and growth. And now more than 80 venture capital funds have invested in dozens of health care enterprises throughout this tech belt region.

Allowing these cutting-edge firms to compete for SBIR grants will foster innovation and accelerate job growth.

Small businesses are our Nation's greatest innovators. I ask my colleagues to support the small businesses in their districts by supporting this bill.

□ 1300

Mr. GRAVES. Mr. Chairman, at this time, I reserve the balance of my time. I don't have any more speakers.

Mr. WU. Mr. Chairman, I would like to inquire how much time remains.

The CHAIR. The gentleman from Oregon has 4½ minutes remaining.

Mr. WU. Mr. Chairman, I recognize the Chair of the Investigations and Oversight Subcommittee, Mr. MILLER, the gentleman from North Carolina, for 2 minutes.

Mr. MILLER of North Carolina. I also rise to support this legislation. Others have spoken generally of the agility and the energy that small business innovation gives our economy and how SBIR and STTR contribute to that.

I want to talk about two companies in my district that have gotten SBIR and STTR grants. The first is Geophex, which got an SBIR grant from NASA in 2000 to develop a sensor to detect electromagnetic changes beneath the surface within 30 feet. NASA wants that technology so they can tell whether there is water beneath the surface of Mars, and that is reason enough to develop the technology. Geophex has found many commercial applications. They are using that technology now to determine if there is water beneath the surface of Earth. The Department of Defense is using that technology to detect landmines and mines in water. Construction companies are using the technology to detect buried cables, sewer lines and waterlines.

The second company is 3 Phoenix, which I visited recently. They are also developing a sensor technology, almost all of which initially is for military applications. They are, for instance, developing a sensor that can detect a periscope peaking up above the surface of the water from 30 miles away. The Navy really wants that technology, and 3 Phoenix has gotten a little more than $800,000 in several grants under SBIR so far. They already have contracts that will add up to almost $9 million in billings. They have just begun to scratch the surface of the commercial applications.

If you have got a sensor that can spot a periscope 30 miles away, it is a snap to develop a sensor using the same technology to tell if there is a car in a parking space. They are now working to develop the technology that will tell drivers in a downtown where the closest empty parking space is. The potential that holds for relieving traffic congestion is enormous. It will save energy. It will save emissions. It will save frustration. Support this bill.

Mr. GRAVES. I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 4 minutes to the gentlewoman from Illinois, Mrs. HALVORSON, who authored several of the provisions of this bill.

Mrs. HALVORSON. Mr. Chair, I rise today in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act. I want to thank Chairwoman VELÁZQUEZ, Ranking Member GRAVES, and Mr. ALTMIRE for their leadership on this important piece of legislation.

I am proud to be an original cosponsor of this bill, which includes language from legislation I introduced, H.R. 2747, the Rural Technology Development and Outreach Act. For nearly three decades, the Small Business Innovation Research program has sought to increase Federal funding for innovative small businesses that seek to develop new technology with commercial potential. Without funding assistance from SBIR, many small businesses would never have the opportunity to develop their research into products that can be brought to market.

Over the years, SBIR has helped build thousands of small startups into successful companies. Unfortunately, SBIR awards are often concentrated in a small number of States or regions. There are promising small firms that don't apply for SBIR because they are unaware of the programs and its benefits. Many of these firms are located in rural communities and other underserved areas.

Today, families living in rural communities throughout the country are struggling. Too many of these rural communities face a tremendous shortage of economic opportunities. As a result, unemployment has skyrocketed. In many communities in my district, the unemployment rate has reached 13 percent. The lack of economic development forces many talented individuals to leave their community to seek out opportunities elsewhere.

Title III of H.R. 2965 includes language from my bill, the Rural Technology Development Outreach Act, that will seek to increase SBIR participation by small firms in rural areas, as well as by firms owned by women, minorities and veterans. H.R. 2965 will provide grant funding to organizations that conduct outreach regarding SBIR to these types of small businesses.

While small business growth is important in any community, it is especially critical in rural and underserved areas. The measure in this bill will encourage entrepreneurship in places where it is currently lagging. By promoting innovation within these communities, H.R. 2965 will set them on the path to economic recovery.

When most people hear the word ''innovation,'' they probably don't think of rural regions, but the truth is that these are the areas with the most room for growth. If we are going to rebuild our economy, then we will have to unlock new markets everywhere, from Silicon Valley to the Midwest heartland. H.R. 2965 will do just that.

I ask my colleagues to join me in supporting its passage.

Mr. GRAVES. Mr. Chairman, I reserve the balance of my time.

Mr. WU. Mr. Chairman, I reserve my time.

Mr. SMITH of Nebraska. I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to inquire of the Chair how much time we have left.

The CHAIR. The gentlewoman from New York has 6½ minutes remaining.

Ms. VELÁZQUEZ. I yield to the gentlelady from New York (Ms. CLARKE) 3 minutes.

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

Ms. CLARKE. I rise today to take a strong stand for small business by supporting H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009, which reauthorizes the Small Business Innovation Research and the Small Business Technology Transfer grant programs. This very important piece of legislation will strengthen and solidify the foundation for the growth and ultimate success of our Nation's small businesses and determine the subsequent success of our country's economy.

The SBIR program is one of the most successful Federal programs for research and technology innovations. It has been central in the process of maintaining the U.S. as a leader in technological innovation, delivering over 60,000 patents and several hundred valuable innovations in all commercial areas, including defense and homeland security.

This 111th Congress, I have the honor of sitting on the Committee on Homeland Security and chairing the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology. And as the Representative of the 11th Congressional District located in central Brooklyn and a native New Yorker, I have witnessed firsthand the need for advanced technology to keep America and its citizens safe.

The events of 9/11 and subsequent war in Afghanistan and Iraq have catalyzed the need to develop both antiterrorism technology and defense systems that will defend our Nation and save precious American lives from terrorist action.

Moreover, this funding is integral in providing funding for women and minority-owned research firms that have historically been marginalized and locked out of the system and have had more difficulty navigating through the technology and innovation research arena.

There is no better time than now to encourage technological innovation, to meet the Federal research and development needs of our country, and to increase the quality and quantity of products in our market. And there is no other group better equipped to handle such a task than the small business community.

Currently, small businesses are responsible for creating roughly 70 percent of new jobs and employ half of the private sector workforce. They are truly the backbone of our economy and the conduit through which we will emerge from this recession. I have had a very longstanding commitment to the support of the technological entrepreneurship and the jobs it creates. In my district in Brooklyn, our State University Medical Center is home to Brooklyn's first biotechnology incubator where small emerging entrepreneurs are developing the cures for our Nation's illnesses and diseases. This legislation enables the vital support these entrepreneurs are desperately seeking. This is why I strongly support H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009.

I thank Chairwoman VELÁZQUEZ, Ranking Member GRAVES, Subcommittee Chairman NYE and Congressman ALTMIRE for taking charge on this bill.

Mr. GRAVES. I reserve the balance of my time, Mr. Chairman.

Mr. WU. I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ) 2 minutes.

Ms. SCHWARTZ. I rise today in support of the Enhancing Small Business Research and Innovation Act.

Ingenuity and innovation are key to the U.S. economy. In Pennsylvania, the bioscience industry employs more than 77,000 people in good-paying jobs. The industry develops lifesaving pharmaceuticals, medical equipment and devices that are important here at home and around the world.

In order to develop these important technologies, these companies need access to early capital to move their products from the research phase into commercial development. Small business programs, particularly SBIR and STTR programs, are important tools for our country's entrepreneurs to bring their ideas to market; however, under rules established by the previous administration, companies with large investments from venture capital were ineligible to participate in the SBIR program. This ruling created an unfortunate situation where companies had to choose between utilizing these Federal business incubator resources or raising essential venture capital investment, both important to growing their business.

The bill before us today overturns this prior policy and enables Pennsylvania and the bioscience companies and companies around the country to utilize these important Federal resources and seek private investment capital.

Former Congressman from Pennsylvania, Jim Greenwood, and now president of the Biotechnology Industry Organization, has said this bill ''will help to ensure that small U.S. biotech companies have increased access to capital for meritorious cutting-edge, early-stage research.''

I urge my colleagues to support this legislation that will create jobs and keep American technology competitive in this global economy.

Mr. GRAVES. Mr. Chairman, I simply want to urge my colleagues to support the bill.

I don't have any more speakers, and I yield back my time.

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to recognize the staff who put many hard years of work into this legislation. On the Science Committee staff, I always say that you don't have to be a rocket scientist to serve on the Science Committee, but you do have to be a rocket scientist to staff the Science Committee. I would like to recognize the good work of Mike Quear of my staff and Dennis Worden.

The bill that they have crafted is fundamentally about jobs. It is about turning research into new products and new services, but most importantly, good, high-wage jobs that tend not to go away. This is a 25-year-old-plus program that has worked, and we are here today making improvements. We are making the program more flexible by permitting cross-agency awards. We are permitting awardees to skip phase one and go straight to a phase two award if they have done that development work with private money. We are collecting data, because there is a dearth of data currently, data that will help us target this program even better in future reauthorizations.

For the first time in 5 years, we are going back to the prior rule, the preexisting rule that was there for 20 years of permitting venture capitalists to participate more broadly in the program but with carefully crafted restrictions. This program remains the exclusive domain of small businesses, those businesses with 500 or fewer employees. It is the kind of bill that has brought together a bipartisan consensus, because we need it now more than ever under our economic circumstances. This is the kind of legislation that we should be working on all the time that turns research into new products, new services and new jobs.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, today we have an opportunity to invest in the two greatest sources of economic growth: entrepreneurship and innovation. We know that small firms create roughly 70 percent of all new jobs, and we recognize that new markets are the surest path to prosperity, so it only makes sense to strengthen small business innovation. H.R. 2965 does exactly that. This is a bipartisan bill, one that could not have been drafted without contributions from my colleagues, Mr. GRAVES, Mr. SCHOCK, Mrs. HALVORSON, Mr. BRIGHT, Mr. NYE, and most importantly, the bill sponsor, Mr. ALTMIRE.

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I would also like to thank Science and Technology, both chairman and ranking member, and the subcommittee chairman, Mr. DAVID WU, and the ranking member.

Especially, I want to say thank you to the staff on both committees who have worked so diligently in working in a bipartisan manner.

This legislation has the support of 60 different organizations, including the U.S. Women's Chamber of Commerce, the Advanced Medical Technology Association and the Biotechnology Industry Organization. The SBIR and STTR programs are critical to small business resources. They helped 1,500 firms get off the ground every year, and in the past we have sparked breakthroughs in everything from antivirus software to defense technology.

Clearly, these programs hold enormous value. Even so, they haven't been modernized in over 8 years and are in sore need of enhancement. In improving SBIR and STTR, we are going to increase efficiency, expand the small business talent pool and boost commercialization.

Meanwhile, we are also going to give entrepreneurs more options for forming their ventures. Taken together these measures will do more than spark invention. They will help small firms market new products, open new industries and put more Americans back to work.

I will urge my colleagues to support this bill.

Mrs. BIGGERT. Mr. Chair, I rise today in strong support of H.R. 2965, a bill to reauthorize the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Programs (STTR).

Too often, I hear from small businesses in my district about what I call the ''valley of death''—that period when a firm has developed a new technology but faces difficulties commercializing it and moving it to the market.

In an economy where credit is scarce, the timing to provide stable resources for small-tech companies is now. There are hundreds of healthcare and energy solutions past discovery and development. They only need that one final push to advance to the marketplace.

H.R. 2965 will help them do just that. Reauthorizing the SBIR–STTR programs through 2011—with an emphasis on commercialization in the last phase—will deploy new technologies that improve the quality of our lives, drive economic growth, and create high paying jobs.

As the largest of the small business research and development programs, the SBIR-STTR awards are an important and successful element of the Federal R&D portfolio.

In fact, Illinois is one of the top ten states benefitting from SBIR research dollars.

Since 1983, over four hundred million dollars of grant awards went to my home state. Illinois small businesses utilizing these resources over the years have received over eight hundred patents for their innovative work and hired nearly five thousand high-tech employees.

I urge my colleagues to support this bill and support small business innovation. Doing so

maintains our commitment to science and technology advancements, drives the American economy, creates jobs, and keeps American competitive.

Mr. JOHNSON of Georgia. Mr. Chair, I rise today in support of H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes. I would like to thank my colleague Representative JASON ALTMIRE from Pennsylvania for introducing this important piece of legislation.

I support this legislation because it increases the support of small businesses which are the lifeblood of the American economy. This legislation extends the previous termination date for SBIR and STTR programs to 2011, allowing more businesses to participate. It extends the authority to all agencies to develop programs supporting the commercialization of SBIR-funded research and increases the provision of funds to assist small businesses in rural areas. Importantly, it also provides for the special consideration of historically underrepresented groups, including small businesses operated by women, minorities, and service-disabled veterans.

Though I support this legislation, I have concerns over the provision extending eligibility of the SBIR and STTR programs to Venture Capital Operating Companies. The Small Business Administration defines small VCOCs as firms with annual earnings below $6.5 million, effectively identifying large businesses as small businsesses under the text of this legislation. Furthermore, the bill does not include limits for the level VCOC participation, failing to safeguard the overcrowding of small businesses within the SBIR and STTR programs. Both the National Academy of Sciences and the Government Accountability Office have recommended such safeguards be included in this legislation, yet the text remains unchanged. I have always been a supporter of small businesses and I am the sponsor of the Fairness and Transparency in Contracting Act, which would ensure that small businesses can take full advantage of federal contracting opportunities. Although H.R. 2965 fails to include the safeguards necessary to protect small businesses, I believe it is a step in the right direction.

Small businesses represent 99 percent of employer firms, employ half of all private sector employees, and comprise 97 percent of identified exporters. In the state of Georgia, the more than 860,000 small businesses employ more than 3.6 million workers. I urge my colleagues to vote in support of enhancing small business innovation, small businesses research, employment, and the economy by supporting this legislation.

Mr. HOLT. Mr. Chair, I rise today in support of our nation's small businesses and for the passage of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009.

Much of the economic success that we enjoy as a nation is the result of innovation and development by America's small business community. Small businesses employ more than half of all workers in the private sector and generate 60 to 80 percent of new jobs in this country. High-tech small businesses form a growing part of our national economy, particularly in New Jersey. According to the National Science Foundation, New Jersey ranks in the top five among states in both the number of high-tech businesses and the size of the workforce employed by those businesses. Restoring our economic growth will require focusing on this strength and improving it.

To continue our innovation advantage, we must ensure that these high-tech small businesses have a steady stream of new ideas, which are generated by translating basic scientific research into commercial products. A recent analysis by the Information Technology and Innovation Foundation found that 77 percent of the award-winning innovative technologies in 2006 came about because of ideas generated from federally funded scientific research. We must give our small businesses the necessary tools to continue to translate this research into innovative technologies and products.

The legislation before us today would help close this gap by expanding and improving two of the SBA's most successful programs: the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program. The SBIR program has proven to be a successful way to advance technological innovation, delivering more than 55,000 patents and hundreds of valuable innovations in agriculture, defense, energy, health sciences, homeland security, space, transportation, and other fields. The program is a unique collaboration, allowing government agencies to fund projects to meet specific agency needs while expanding opportunities for small businesses. SBIR has enhanced the role of innovative small businesses and higher education research institutions in federally-funded research and development, while fostering competition, productivity, and economic growth. I support this program so that it will continue to provide a vital source of funding to establish and grow innovative small businesses.

Our nation's innovation infrastructure, and its underlying science and technology assets, lead the world across a wide range of measures. However, our successes have encouraged other countries to follow our example and boost their innovation infrastructures. Therefore, we must redouble our efforts to boost innovation through research and support high tech companies that will provide the innovation and jobs of the 21st Century. The legislation before us today will give these high-tech small businesses the tools that they need to succeed. I encourage my colleagues to support this legislation.

Mr. MARKEY of Massachusetts. Mr. Chair, I rise in opposition to H.R. 2965, the Enhancing Small Business Innovation and Research Act.

I must oppose this bill because I have serious concerns about changes made in the bill to the SBIR program that would allow SBIR awards to go to an unlimited number of businesses owned or controlled by Venture capital (VC) firms. The SBIR program, responsible for over 60,000 patents, has always focused on innovation from truly small businesses for whom commercial capital market funding is typically not an option. However, with the change made in this bill, the SBIR program would be wide open to applicants that already are well-capitalized due to VC participation, crowding out the small businesses that have been the focus of the highly successful SBIR program.

When the Rules Committee met yesterday, I offered an amendment to H.R. 2965 along with my colleagues Representative TSONGAS, Representative WELCH, and Representative HODES which would have resolved two major problems with H.R 2965 that undermine the intent of the SBIR program.

The amendment we offered would have:

1. Allowed the National Institutes of Health (NIH) to direct up to 15% of its SBIR budget to majority venture backed businesses and allow every other federal agency to direct up to 5 percent of its SBIR budget to majority venture backed businesses. In this way, our amendment provided a sensible balance between the prohibition on VC participation, which is the current law, and enabling, without limitation, the participation in the SBIR program of businesses that are owned or controlled by VC firms. The safeguards included in our amendment were based on the recommendations from the National Academy of Sciences and Government Accountability Office (GAO).

2. Increased SBIR Phase I and Phase II awards to $150,000 and $1,000,000 respectively. This increase recognized the need to boost award size due to inflation, but did not increase the award size to such an extent that there will be fewer overall awards available.

While I support VC participation in the SBIR program—and our amendment specifically provided for it—enabling an unlimited amount of large VC majority-owned firms to qualify for SBIR funding calls into question whether this program, intended for genuinely small businesses, is, in fact, still focused on these firms.

Our amendment provided a needed compromise that recognized the importance of venture capital and recognized the need to hold central truly small business innovation.

Unfortunately, our amendment was not made in order by the Rules Committee. Without the protections in our amendment, we run the risk of taking the "Small" out of the Small Business Research Innovation Program.

At a time when our national unemployment rate is at 9.5 percent, we should do everything in our power to strengthen small businesses that generate 70 percent of new jobs in our country. H.R 2965 does not do enough to ensure that small businesses are the focus of the SBIR program, and therefore I cannot support the bill.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Science and Technology, the amendment in the nature of a substitute recommended by the Committee on Small Business printed in the bill shall be considered as the original bill for purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the committee amendment is as follows:

H.R. 2965

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 "Enhancing Small Business Research and Innovation Act of 2009".

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

Sec. 1. Short title; table of contents.

TITLE I—PROGRAM EXTENSION AND VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

Sec. 101. Extension of termination dates.

Sec. 102. Ensuring that innovative small businesses with substantial investment from venture capital operating companies are able to participate in the SBIR and STTR programs.

TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION

Sec. 201. Focus on commercialization.

Sec. 202. Inclusion of energy-related research topics and rare disease-related research topics as deserving ''special consideration'' as SBIR research topics.

Sec. 203. Nanotechnology-related research topics.

Sec. 204. Clarifying the definition of ''Phase Three''.

Sec. 205. Agency research goals.

Sec. 206. Commercialization programs.

TITLE III—RURAL DEVELOPMENT AND OUTREACH

Sec. 301. Outreach and support activities.

Sec. 302. Rural preference.

Sec. 303. Obtaining SBIR applicant's consent to release contact information to economic development organizations.

Sec. 304. Increased partnerships between SBIR awardees and prime contractors, venture capital investment companies, and larger businesses.

TITLE IV—SBIR AND STTR ENHANCEMENT

Sec. 401. Increased number of research topic solicitations annually and shortened period for final decisions on applications.

Sec. 402. Agencies should fund vital R&D projects with the potential for commercialization.

Sec. 403. Federal agency engagement with SBIR awardees that have been awarded multiple Phase One awards but have not been awarded Phase Two awards.

Sec. 404. Funding for administrative, oversight, and contract processing costs.

Sec. 405. Comptroller general audit of how Federal agencies calculate extramural research budgets.

Sec. 406. Agency databases to support program evaluation.

Sec. 407. Agency databases to support technology utilization.

Sec. 408. Interagency Policy Committee.

Sec. 409. National Research Council SBIR Study.

Sec. 410. Express authority to ''fast-track'' Phase Two awards for promising Phase One research.

Sec. 411. Increased SBIR and STTR award levels.

Sec. 412. Express authority for an agency to award sequential Phase Two awards for SBIR-funded projects.

Sec. 413. First phase required.

Sec. 414. Involvement of Chief Counsel for Advocacy.

TITLE I—PROGRAM EXTENSION AND VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2011''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2011''.

SEC. 102. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) VENTURE CAPITAL OPERATING COMPANIES.—Effective only for the SBIR and STTR programs the following shall apply:

''(1) A business concern that has more than 500 employees shall not qualify as a small business concern.

''(2) In determining whether a small business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards instituted under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

''(A) the venture capital operating company does not own 50 percent or more of the business concern; and

''(B) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

''(3) A business concern shall be deemed to be 'independently owned and operated' if—

''(A) it is owned in majority part by one or more natural persons or venture capital operating companies;

''(B) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

''(C) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

''(4) If a venture capital operating company controlled by a business with more than 500 employees (in this paragraph referred to as a 'VCOC under large business control') has an ownership interest in a small business concern that is owned in majority part by venture capital operating companies, the small business concern is eligible to receive an award under the SBIR or STTR program only if—

''(A) not more than two VCOCs under large business control have an ownership interest in the small business concern; and

''(B) the VCOCs under large business control do not collectively own more than 20 percent of the small business concern.

''(5) The term 'venture capital operating company' means a business concern—

''(A) that—

''(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

''(ii) is an entity that—

''(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.); or

''(II) is an investment company, as defined in section 3(c)(1) of such Act (15 U.S.C. 80a–3(c)(1)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

''(B) that is itself organized or incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.''.

TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION

SEC. 201. FOCUS ON COMMERCIALIZATION.

Section 9(a) of the Small Business Act (15 U.S.C. 638(a)) is amended by adding at the end the following: ''It is further the policy of Congress that the programs established in this section should focus on promoting research and development of projects governed by commercial business plans, which have significant potential to produce products or services for the marketplace or for acquisition by Federal agencies.''.

SEC. 202. INCLUSION OF ENERGY-RELATED RESEARCH TOPICS AND RARE DISEASE-RELATED RESEARCH TOPICS AS DESERVING "SPECIAL CONSIDERATION" AS SBIR RESEARCH TOPICS.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after ''critical technologies'' the following: ''or pressing research priorities'';

(2) in subparagraph (A) by striking ''or'' at the end; and

(3) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in subsequent reports issued by the National Academy of Sciences on sustainability, energy, and alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in subsequent reports issued by the National Institutes of Health on rare diseases research activities; or

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the United States Department of Transportation Research and Innovative Technology Administration, and in subsequent reports issued by the National Academy of Sciences and United States Department of Transportation on transportation and infrastructure;''.

SEC. 203. NANOTECHNOLOGY-RELATED RESEARCH TOPICS.

(a) SBIR.—Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended, is further amended—

(1) in subparagraph (D) by striking ''or'' at the end;

(2) in subparagraph (E) by adding ''or'' at the end; and

(3) by adding at the end the following:

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;''.

(b) STTR.—Section 9(o)(3) of the Small Business Act (15 U.S.C. 638(o)(3)) is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by adding ''or'' at the end; and

(3) by adding at the end the following:

''(C) by the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;''.

SEC. 204. CLARIFYING THE DEFINITION OF "PHASE THREE".

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C) in the matter preceding clause (i) by inserting after ''a third phase'' the following: '', which shall consist of work that derives from, extends, or logically concludes efforts performed under prior SBIR funding agreements (which may be referred to as 'Phase III')'';

(2) in paragraph (8) by striking ''and'' at the end;

(3) in paragraph (9) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(10) the term 'commercialization' means the process of developing marketable products or

services and producing and delivering products or services for sale (whether by the originating party or by others) to government or commercial markets.''.

SEC. 205. AGENCY RESEARCH GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by striking subsection (h) and inserting the following:

''(h) AGENCY RESEARCH GOALS.—

''(1) IN GENERAL.—In addition to the requirements of subsection (f), each Federal agency that is required by this section to have an SBIR program and that awards annually $5,000,000,000 or more in procurement contracts shall, effective for fiscal year 2010 and each fiscal year thereafter, establish annual goals for commercialization of projects funded by SBIR awards.

''(2) SPECIFIC GOALS.—The goals required by paragraph (1) shall include specific goals for each of the following:

''(A) The percentage of SBIR projects that receive funding for the third phase (as defined in subsection (e)(4)(C)).

''(B) The percentage of SBIR projects that are successfully integrated into a program of record.

''(C) The amount of Federal dollars received by SBIR projects through Federal contracts, not including dollars received through the SBIR program.

''(3) SUBMISSION TO COMMITTEES.—For each fiscal year for which goals are required by paragraph (1), the agency shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate—

''(A) not later than 60 days after the beginning of the fiscal year, the goals; and

''(B) not later than 90 days after the end of the fiscal year, data on the extent to which the goals were met and a description of the methodology used to collect such data.''.

SEC. 206. COMMERCIALIZATION PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) as amended, is further amended, by adding at the end the following:

''(bb) COMMERCIALIZATION PROGRAMS.—

''(1) IN GENERAL.—Each agency required by this section to conduct an SBIR program shall establish a commercialization program that supports the progress of SBIR awardees to the third phase. The commercialization program may include activities such as partnership databases, partnership conferences, multiple second phases, mentoring between prime contractors and SBIR awardees, multiple second phases with matching private investment requirements, jumbo awards, SBIR helpdesks, and transition assistance programs. The agency shall include in its annual report an analysis of the various activities considered for inclusion in the commercialization program and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(2) FUNDING FOR COMMERCIALIZATION PROGRAMS.—

''(A) IN GENERAL.—From amounts made available to carry out this paragraph, the Administrator may, on petition by agencies required by this section to conduct an SBIR program, transfer funds to such agencies to support the commercialization programs of such agencies.

''(B) PETITIONS.—The Administrator shall establish rules for making transfers under subparagraph (A). The initial set of rules shall be promulgated not later than 90 days after the date of the enactment of this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this paragraph $27,500,000 for fiscal year 2010 and each fiscal year thereafter.

''(3) FUNDING LIMITATION.—For payment of expenses incurred to administer the commercialization programs described in paragraphs (1) and (2), the head of an agency may use not more than an amount equal to 1 percent of the funds set aside for the agency's Small Business Innovation Research program. Such funds—

''(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(B) shall not be used for the purpose of funding costs associated with salaries and expenses of employees of the Federal Government.''.

TITLE III—RURAL DEVELOPMENT AND OUTREACH

SEC. 301. OUTREACH AND SUPPORT ACTIVITIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by inserting after subsection (r) the following:

''(s) OUTREACH AND SUPPORT ACTIVITIES.—

''(1) IN GENERAL.—Subject to the other provisions of this subsection, the Administrator shall make grants on a competitive basis to organizations, to be used by the organizations to do one or both of the following:

''(A) To conduct outreach efforts to increase participation in the programs under this section.

''(B) To provide application support and entrepreneurial and business skills support to prospective participants in the programs under this section.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $10,000,000 to carry out paragraph (1) for each of fiscal years 2010 and 2011.

''(3) AMOUNT OF ASSISTANCE.—For each of subparagraphs (A) and (B) of paragraph (1), the amount of assistance provided to an organization under that subparagraph in any fiscal year—

''(A) shall be equal to the total amount of matching funds from non-Federal sources provided by the organization; and

''(B) shall not exceed $250,000.

''(4) DIRECTION.—An organization receiving funds under paragraph (1) shall, in using those funds, direct its activities at one or both of the following:

''(A) Small business concerns located in geographic areas that are underrepresented in the programs under this section.

''(B) Small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by minorities.

''(5) ADVISORY BOARD.—

''(A) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Administrator shall establish an advisory board for the activities carried out under this subsection.

''(B) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

''(C) MEMBERS.—The members of the advisory board shall include the following:

''(i) The Administrator (or the Administrator's designee).

''(ii) For each Federal agency required by this section to conduct an SBIR program, the head of the agency (or the designee of the head of the agency).

''(iii) Representatives of small business concerns that are current or former recipients of SBIR awards, or representatives of organizations of such concerns.

''(iv) Representatives of service providers of SBIR outreach and assistance, or representatives of organizations of such service providers.

''(D) DUTIES.—The advisory board shall have the following duties:

''(i) To develop guidelines for awards under paragraph (1), including guidelines relating to award sizes, proposal requirements, measures for monitoring awardee performance, and measures for determining the overall value of the activities carried out by the awardees.

''(ii) To identify opportunities for coordinated outreach, technical assistance, and commercialization activities among Federal agencies, the recipients of the awards under paragraph (1), and applicants and recipients of SBIR awards, including opportunities such as—

''(I) podcasting or webcasting for conferences, training workshops, and other events;

''(II) shared online resources to match prospective applicants with the network of paragraph (1) recipients; and

''(III) venture capital conferences tied to technologies and sectors that cross agencies.

''(iii) To review and recommend revisions to activities under paragraph (1).

''(iv) To submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science and Technology of the House of Representatives an annual report on the activities carried out under paragraph (1) and the effectiveness and impact of those activities.

''(6) SELECTION CRITERIA.—In awarding grants under this subsection, the Administrator shall use selection criteria developed by the advisory board established under paragraph (5). The criteria shall include—

''(A) criteria designed to give preference to applicants who propose to carry out activities that will reach either an underperforming geographic area or an underrepresented population group (as measured by the number of SBIR applicants);

''(B) criteria designed to give preference to applicants who propose to carry out activities that complement, and are integrated into, the existing public-private innovation support system for the targeted region or population;

''(C) criteria designed to give preference to applicants who propose to measure the effectiveness of the proposed activities; and

''(D) criteria designed to give preference to applicants who include a Small Business Development Center program that is accredited for its technology services.

''(7) PEER REVIEW.—In awarding grants under this subsection, the Administrator shall use a peer review process. Reviewers shall include—

''(A) SBIR program managers for agencies required by this section to conduct SBIR programs; and

''(B) private individuals and organizations that are knowledgeable about SBIR, the innovation process, technology commercialization, and State and regional technology-based economic development programs.

''(8) PER-STATE LIMITATIONS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the applicant must have the written endorsement of the Governor of the State where the targeted regions or populations are located (if the regions or populations are located in more than one State, the applicant must have the written endorsement of the Governor of each such State). Such an endorsement must indicate that the Governor will ensure that the activities to be carried out under the grant will be integrated with the balance of the State's portfolio of investments to help small business concerns commercialize technology.

''(B) LIMITATION.—Each fiscal year, a Governor may have in effect not more than one written endorsement for a grant under paragraph (1)(A), and not more than one written endorsement for a grant under paragraph (1)(B).

''(9) SPECIFIC REQUIREMENTS FOR AWARDS.—In making awards under paragraph (1) the Administrator shall ensure that each award shall be for a period of 2 fiscal years. The Administrator shall establish rules and performance goals for the disbursement of funds for the second fiscal year, and funds shall not be disbursed to a recipient for such a fiscal year until after the advisory board established under this subsection has determined that the recipient is in compliance with the rules and performance goals.''.

SEC. 302. RURAL PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(cc) RURAL PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from rural areas.''.

SEC. 303. OBTAINING SBIR APPLICANT'S CONSENT TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(dd) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program shall enable a small business concern that is an SBIR applicant to indicate to the agency whether the agency has its consent to—

''(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant; and

''(B) release the concern's contact information to such organizations.

''(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that the agency include in its SBIR application forms a provision through which the applicant can indicate consent for purposes of paragraph (1).''.

SEC. 304. INCREASED PARTNERSHIPS BETWEEN SBIR AWARDEES AND PRIME CONTRACTORS, VENTURE CAPITAL INVESTMENT COMPANIES, AND LARGER BUSINESSES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(ee) INCREASED PARTNERSHIPS.—

''(1) IN GENERAL.—Each agency required by this section to conduct an SBIR program shall establish initiatives by which the agency encourages partnerships between SBIR awardees and prime contractors, venture capital investment companies, business incubators, and larger businesses, for the purpose of facilitating the progress of the SBIR awardees to the third phase.

''(2) DEFINITION.—In this subsection, the term 'business incubator' means an entity that provides coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phases, including providing services such as shared office space and office services, access to equipment, access to telecommunications and technology services, flexible leases, specialized management assistance, access to financing, mentoring and training services, or other coordinated business or technical support services designed to provide business development assistance to entrepreneurial businesses during these businesses' startup phases.''.

TITLE IV—SBIR AND STTR ENHANCEMENT

SEC. 401. INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY AND SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.

(a) INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY.—Section 9(g)(2) of the Small Business Act (15 U.S.C. 638(g)(2)) is amended by inserting before the semicolon at the end the following: '', but not less often than twice per year''.

(b) SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.—Section 9(g)(4) of the Small Business Act (15 U.S.C. 638(g)(4)) is amended by inserting before the semicolon at the end the following: '', but a final decision on each proposal shall be rendered not later than 90 days after the date on which the solicitation closes unless the Administrator determines, on a case by case basis, that a decision may be extended from 90 days to 180 days''.

SEC. 402. AGENCIES SHOULD FUND VITAL R&D PROJECTS WITH THE POTENTIAL FOR COMMERCIALIZATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(ff) MULTIPLE FIRST PHASE SBIR AWARDS REPORT.—The Administrator shall, on an annual basis, submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a list identifying each small business concern that, for the period covered by the preceding 5 fiscal years, received 15 or more first phase SBIR awards and no second phase SBIR awards.''.

SEC. 403. FEDERAL AGENCY ENGAGEMENT WITH SBIR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE ONE AWARDS BUT HAVE NOT BEEN AWARDED PHASE TWO AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN FIRST PHASE SBIR AWARDEES.—Each Federal agency required by this section to conduct an SBIR program shall engage with SBIR awardees that have been awarded multiple first phase SBIR awards but have not been awarded any second phase SBIR awards and shall develop performance measures with respect to awardee progression in the SBIR program.''.

SEC. 404. FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(hh) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

''(1) IN GENERAL.—From amounts made available to carry out this subsection, the Administrator may, on petition by Federal agencies required by this section to conduct an SBIR program, transfer funds to such agencies to assist with the administrative, oversight, and contract processing costs relating to such program.

''(2) PETITIONS.—The Administrator shall establish rules for making transfers under paragraph (1). The initial set of rules shall be promulgated not later than 180 days after the date of the enactment of this subsection.

''(3) LIMIT ON TRANSFER.—A Federal agency may not receive under this subsection in a fiscal year an amount greater than 3 percent of the SBIR budget of such agency for such fiscal year.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $27,500,000 for each of fiscal years 2010 and 2011.''.

SEC. 405. COMPTROLLER GENERAL AUDIT OF HOW FEDERAL AGENCIES CALCULATE EXTRAMURAL RESEARCH BUDGETS.

The Comptroller General of the United States shall carry out a detailed audit of how Federal agencies calculate extramural research budgets for purposes of calculating the size of the agencies' Small Business Innovation Research Program and Small Business Technology Transfer Program budgets. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the results of the audit.

SEC. 406. AGENCY DATABASES TO SUPPORT PROGRAM EVALUATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)(A)—

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

(B) by inserting ''and'' at the end of clause (iii); and

(C) by adding at the end the following new clause:

''(iv) information on the ownership structure of award recipients, both at the time of receipt of the award and upon completion of the award period;'';

(2) by amending paragraph (3) to read as follows:

''(3) UPDATING INFORMATION FOR DATABASE.—

''(A) IN GENERAL.—A Federal agency shall not make a Phase I or Phase II payment to a small business concern under this section unless the small business concern has provided all information required under this subsection and available at the time with respect to the award under which the payment is made, and with respect to any other award under this section previously received by the small business concern or a predecessor in interest to the small business concern.

''(B) APPORTIONMENT.—In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

''(C) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving an award under this section shall—

''(i) in the case of a second phase award, update information in the databases required under paragraphs (2) and (6) concerning that award at the termination of the award period;

''(ii) in the case of award recipients not described in clause (iii), be requested to voluntarily update such information annually thereafter for a period of 5 years; and

''(iii) in the case of a small business concern applying for a subsequent first phase or second phase award, be required to update such information annually thereafter for a period of 5 years.''; and

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

''(6) AGENCY PROGRAM EVALUATION DATABASES.—Each Federal agency required to establish an SBIR or STTR program under this section shall develop and maintain, for the purpose of evaluating such programs, a database containing information required to be contained in the database under paragraph (2). Each such database shall be designed to be accessible to other agencies that are required to maintain a database under this paragraph. Each such database shall be developed and operated in a manner to ensure that each such database is relevant to and contributes to the agency's oversight and evaluation of the SBIR and STTR programs. Paragraphs (4) and (5) apply to each database under this paragraph.''.

SEC. 407. AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)), as amended, is further amended by adding at the end the following new paragraph:

''(7) AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.—Each Federal agency with an SBIR or STTR program shall create and maintain a technology utilization database, which shall be available to the public and shall contain data supplied by the award recipients specifically to help them attract customers for the products and services generated under the SBIR or STTR project, and to attract additional investors and business partners. Each database created under this paragraph shall include information on the other databases created under this paragraph by other Federal agencies. Participation in a database under this paragraph shall be voluntary, except that such participation is required of all award recipients who received supplemental payments from SBIR and STTR program funds above their initial Phase II award. Each database created under this

paragraph shall be developed and operated in a manner to ensure that each such database is relevant to and contributes to the agency's oversight and evaluation of the SBIR and STTR programs.''.

SEC. 408. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee comprised of one representative from each Federal agency with an SBIR program and the Office of Management and Budget.

(b) COCHAIRS.—The Director of the Office of Science and Technology Policy and the Director of the National Institute of Standards and Technology shall jointly chair the Interagency SBIR/STTR Policy Committee.

(c) DUTIES.—The Interagency SBIR/STTR Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and government databases described in section 9(k) (1) and (2) of the Small Business Act (15 U.S.C. 638(k) (1) and (2)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, and appropriate criteria to exercise such flexibility.

(3) Commercialization assistance best practices in Federal agencies with significant potential to be employed by other agencies, and the appropriate steps to achieve that leverage, as well as proposals for new initiatives to address funding gaps business concerns face after Phase II but before commercialization.

(4) Development and incorporation of a standard evaluation framework to enable systematic assessment of SBIR and STTR, including through improved tracking of awards and outcomes and development of performance measures for individual agency programs.

(d) REPORTS.—The Interagency SBIR/STTR Policy Committee shall transmit to the Committee on Science and Technology and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsections (c)(1) and (c)(4) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 409. NATIONAL RESEARCH COUNCIL SBIR STUDY.

Section 108(d) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), enacted into law by reference under section 1(a)(9) of the Consolidated Appropriations Act, 2001 (Public Law 106–554), is amended—

(1) by striking ''of the Senate'' and all that follows through ''not later than 3'' and inserting ''of the Senate, not later than 3''; and

(2) by striking ''; and'' and all that follows through ''update of such report''.

SEC. 410. EXPRESS AUTHORITY TO "FAST-TRACK" PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(ii) AUTHORITY TO 'FAST-TRACK' PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.—To address the delay between an award for the first phase of an SBIR program and the application for and extension of an award for the second phase of such program, each Federal agency with an SBIR program may develop 'fast-track' programs to eliminate such delay by issuing second phase SBIR awards as soon as practicable, including in appropriate cases simultaneously with the issuance of the first phase SBIR award. The Administrator shall encourage the development of such 'fast-track' programs.''.

SEC. 411. INCREASED SBIR AND STTR AWARD LEVELS.

(a) SBIR AWARD LEVEL AND ANNUAL ADJUSTMENTS.—Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(4) FURTHER ADDITIONAL MODIFICATIONS.—Not later than 180 days after the date of enactment of this paragraph and notwithstanding paragraph (2)(D), the Administrator shall modify the policy directives issued pursuant to this subsection to provide for an increase to $250,000 in the amount of funds which an agency may award in the first phase of an SBIR program, and to $2,000,000 in the second phase of an SBIR program, and a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations.''.

(b) STTR AWARD LEVEL AND ANNUAL ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and ''$750,000'' and inserting ''$250,000'' and ''$2,000,000'', respectively; and

(2) by striking ''greater or lesser amounts'' and inserting ''with a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations, and with lesser amounts''.

(c) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(jj) LIMITATION ON PHASE I AND II AWARDS.—No Federal agency shall issue an award under the SBIR program or the STTR program if the size of the award exceeds the amounts established under subsections (j)(4) and (p)(2)(B)(ix).''.

SEC. 412. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE TWO AWARDS FOR SBIR-FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(kk) REQUIREMENTS RELATING TO ADDITIONAL SECOND PHASE SBIR AWARDS.—

''(1) IN GENERAL.—A small business concern that receives a second phase SBIR award for a project remains eligible to receive additional second phase SBIR awards for such project.

''(2) TECHNICAL OR WEAPONS SYSTEMS.—Agencies are expressly authorized to provide additional second phase SBIR awards for testing and evaluation assistance for the insertion of SBIR technologies into technical or weapons systems.''.

SEC. 413. FIRST PHASE REQUIRED.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(ll) FIRST PHASE REQUIRED.—Under this section, a Federal agency shall provide to a small business concern an award for the second phase of an SBIR program with respect to a project only if such agency finds that the small business concern has been provided an award for the first phase of an SBIR program with respect to such project or has completed the determinations described in subsection (e)(4)(A) with respect to such project despite not having been provided an award for the first phase.''.

SEC. 414. INVOLVEMENT OF CHIEF COUNSEL FOR ADVOCACY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(mm) INVOLVEMENT OF CHIEF COUNSEL FOR ADVOCACY.—The Chief Counsel for Advocacy, as described in section 201 of Public Law 94–305 (15 U.S.C. 634a), and any individual reporting to the Chief Counsel for Advocacy, without regard to whether such individual was hired under section 204 of Public Law 94–305 (15 U.S.C. 634d), may not provide to the Administrator, to any individual who reports directly or indirectly to the Administrator, or to any Federal agency any advice, guidance, oversight, or review with respect to the programs authorized under this section.''.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Enhancing Small Business Research and Innovation Act of 2009".

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

Sec. 1. Short Title; Table of Contents.

TITLE I—PROGRAM EXTENSION AND VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

Sec. 101. Extension of termination dates.
Sec. 102. Ensuring that innovative small businesses with substantial investment from venture capital operating companies are able to participate in the SBIR and STTR programs.

TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION

Sec. 201. Focus on commercialization.
Sec. 202. Inclusion of energy-related research topics and rare disease-related research topics as deserving "special consideration" as SBIR research topics.
Sec. 203. Nanotechnology-related research topics.
Sec. 204. Clarifying the definition of "Phase Three".
Sec. 205. Agency research goals.
Sec. 206. Commercialization programs.

TITLE III—RURAL DEVELOPMENT AND OUTREACH

Sec. 301. Outreach and support activities.
Sec. 302. Rural preference.
Sec. 303. Obtaining SBIR applicant's consent to release contact information to economic development organizations.
Sec. 304. Increased partnerships between SBIR awardees and prime contractors, venture capital investment companies, and larger businesses.

TITLE IV—SBIR AND STTR ENHANCEMENT

Sec. 401. Increased number of research topic solicitations annually and shortened period for final decisions on applications.
Sec. 402. Agencies should fund vital R&D projects with the potential for commercialization.
Sec. 403. Federal agency engagement with SBIR awardees that have been awarded multiple Phase One awards but have not been awarded Phase Two awards.
Sec. 404. Funding for administrative, oversight, and contract processing costs.
Sec. 405. Comptroller general audit of how Federal agencies calculate extramural research budgets.
Sec. 406. Agency databases to support program evaluation.
Sec. 407. Agency databases to support technology utilization.
Sec. 408. Interagency Policy Committee.
Sec. 409. National Research Council SBIR Study.
Sec. 410. Express authority to "fast-track" Phase Two awards for promising Phase One research.
Sec. 411. Increased SBIR and STTR award levels.

Sec. 412. Express authority for an agency to award sequential Phase Two awards for SBIR-funded projects.
Sec. 413. First phase required.
TITLE I—PROGRAM EXTENSION AND VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT
SEC. 101. EXTENSION OF TERMINATION DATES.
SEC. 102. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR AND STTR PROGRAMS.
TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION
SEC. 201. FOCUS ON COMMERCIALIZATION.
SEC. 202. INCLUSION OF ENERGY-RELATED RESEARCH TOPICS AND RARE DISEASE-RELATED RESEARCH TOPICS AS DESERVING "SPECIAL CONSIDERATION" AS SBIR RESEARCH TOPICS.
SEC. 203. NANOTECHNOLOGY-RELATED RESEARCH TOPICS.
SEC. 204. CLARIFYING THE DEFINITION OF "PHASE THREE".
SEC. 205. AGENCY RESEARCH GOALS.
SEC. 206. COMMERCIALIZATION PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(aa) VENTURE CAPITAL OPERATING COMPANIES.—Effective only for the SBIR and STTR programs the following shall apply:

"(1) A business concern that has more than 500 employees shall not qualify as a small business concern.

"(2) In determining whether a small business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards instituted under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

"(A) the venture capital operating company does not own 50 percent or more of the business concern; and

"(B) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

"(3) A business concern shall be deemed to be 'independently owned and operated' if—

"(A) it is owned in majority part by one or more natural persons or venture capital operating companies;

"(B) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

"(C) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

"(4) If a venture capital operating company controlled by a business with more than 500 employees (in this paragraph referred to as a 'VCOC under large business control') has an ownership interest in a small business concern that is owned in majority part by venture capital operating companies, the small business concern is eligible to receive an award under the SBIR or STTR program only if—

"(A) not more than two VCOCs under large business control have an ownership interest in the small business concern; and

"(B) the VCOCs under large business control do not collectively own more than 20 percent of the small business concern.

"(5) The term 'venture capital operating company' means a business concern—

"(A) that—

"(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

"(ii) is an entity that—

"(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.); or

"(II) is an investment company, as defined in section 3(c)(1) of such Act (15 U.S.C. 80a–3(c)(1)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

"(B) that is itself organized or incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.".

TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION

SEC. 201. FOCUS ON COMMERCIALIZATION.

Section 9(a) of the Small Business Act (15 U.S.C. 638(a)) is amended by adding at the end the following: "It is further the policy of Congress that the programs established in this section should focus on promoting research and development of projects governed by commercial business plans, which have significant potential to produce products or services for the marketplace or for acquisition by Federal agencies.".

SEC. 202. INCLUSION OF ENERGY-RELATED RESEARCH TOPICS AND RARE DISEASE-RELATED RESEARCH TOPICS AS DESERVING "SPECIAL CONSIDERATION" AS SBIR RESEARCH TOPICS.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after "critical technologies" the following: "or pressing research priorities";

(2) in subparagraph (A) by striking "or" at the end; and

(3) by adding at the end the following:

"(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in subsequent reports issued by the National Academy of Sciences on sustainability, energy, and alternative fuels;

"(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in subsequent reports issued by the National Institutes of Health on rare diseases research activities; or

"(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the United States Department of Transportation Research and Innovative Technology Administration, and in subsequent reports issued by the National Academy of Sciences and United States Department of Transportation on transportation and infrastructure;".

SEC. 203. NANOTECHNOLOGY-RELATED RESEARCH TOPICS.

(a) SBIR.—Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended, is further amended—

(1) in subparagraph (D) by striking "or" at the end;

(2) in subparagraph (E) by adding "or" at the end; and

(3) by adding at the end the following:

"(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;".

(b) STTR.—Section 9(o)(3) of the Small Business Act (15 U.S.C. 638(o)(3)) is amended—

(1) in subparagraph (A) by striking "or" at the end;

(2) in subparagraph (B) by adding "or" at the end; and

(3) by adding at the end the following:

"(C) by the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;".

SEC. 204. CLARIFYING THE DEFINITION OF "PHASE THREE".

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C) in the matter preceding clause (i) by inserting after "a third phase" the following: ", which shall consist of work that derives from, extends, or logically concludes efforts performed under prior SBIR funding agreements (which may be referred to as 'Phase III')";

(2) in paragraph (8) by striking "and" at the end;

(3) in paragraph (9) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(10) the term 'commercialization' means the process of developing marketable products or services and producing and delivering products or services for sale (whether by the originating party or by others) to government or commercial markets.".

SEC. 205. AGENCY RESEARCH GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by striking subsection (h) and inserting the following:

"(h) AGENCY RESEARCH GOALS.—

"(1) IN GENERAL.—In addition to the requirements of subsection (f), each Federal agency that is required by this section to have an SBIR program and that awards annually $5,000,000,000 or more in procurement contracts shall, effective for fiscal year 2010 and each fiscal year thereafter, establish annual goals for commercialization of projects funded by SBIR awards.

"(2) SPECIFIC GOALS.—The goals required by paragraph (1) shall include specific goals for each of the following:

"(A) The percentage of SBIR projects that receive funding for the third phase (as defined in subsection (e)(4)(C)).

"(B) The percentage of SBIR projects that are successfully integrated into a program of record.

"(C) The amount of Federal dollars received by SBIR projects through Federal contracts, not including dollars received through the SBIR program.

"(3) SUBMISSION TO COMMITTEES.—For each fiscal year for which goals are required by paragraph (1), the agency shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate—

"(A) not later than 60 days after the beginning of the fiscal year, the goals; and

"(B) not later than 90 days after the end of the fiscal year, data on the extent to which the goals were met and a description of the methodology used to collect such data.".

SEC. 206. COMMERCIALIZATION PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) as amended, is further amended, by adding at the end the following:

"(bb) COMMERCIALIZATION PROGRAMS.—

"(1) IN GENERAL.—Each agency required by this section to conduct an SBIR program shall establish a commercialization program that supports the progress of SBIR awardees to the third phase. The commercialization program may include activities such as partnership databases, partnership conferences, multiple second phases, mentoring between prime contractors and SBIR awardees, multiple second phases with matching private investment requirements, jumbo awards, SBIR

helpdesks, and transition assistance programs. The agency shall include in its annual report an analysis of the various activities considered for inclusion in the commercialization program and a statement of the reasons why each activity considered was included or not included, as the case may be.

"(2) FUNDING FOR COMMERCIALIZATION PROGRAMS.—

"(A) IN GENERAL.—From amounts made available to carry out this paragraph, the Administrator may, on petition by agencies required by this section to conduct an SBIR program, transfer funds to such agencies to support the commercialization programs of such agencies.

"(B) PETITIONS.—The Administrator shall establish rules for making transfers under subparagraph (A). The initial set of rules shall be promulgated not later than 90 days after the date of the enactment of this paragraph.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this paragraph $27,500,000 for fiscal year 2010 and each fiscal year thereafter.

"(3) FUNDING LIMITATION.—For payment of expenses incurred to administer the commercialization programs described in paragraphs (1) and (2), the head of an agency may use not more than an amount equal to 1 percent of the funds set aside for the agency's Small Business Innovation Research program. Such funds—

"(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

"(B) shall not be used for the purpose of funding costs associated with salaries and expenses of employees of the Federal Government.".

TITLE III—RURAL DEVELOPMENT AND OUTREACH

SEC. 301. OUTREACH AND SUPPORT ACTIVITIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by inserting after subsection (r) the following:

"(s) OUTREACH AND SUPPORT ACTIVITIES.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, the Administrator shall make grants on a competitive basis to organizations, to be used by the organizations to do one or both of the following:

"(A) To conduct outreach efforts to increase participation in the programs under this section.

"(B) To provide application support and entrepreneurial and business skills support to prospective participants in the programs under this section.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $10,000,000 to carry out paragraph (1) for each of fiscal years 2010 and 2011.

"(3) AMOUNT OF ASSISTANCE.—For each of subparagraphs (A) and (B) of paragraph (1), the amount of assistance provided to an organization under that subparagraph in any fiscal year—

"(A) shall be equal to the total amount of matching funds from non-Federal sources provided by the organization; and

"(B) shall not exceed $250,000.

"(4) DIRECTION.—An organization receiving funds under paragraph (1) shall, in using those funds, direct its activities at one or both of the following:

"(A) Small business concerns located in geographic areas that are underrepresented in the programs under this section.

"(B) Small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by minorities.

"(5) ADVISORY BOARD.—

"(A) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Administrator shall establish an advisory board for the activities carried out under this subsection.

"(B) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

"(C) MEMBERS.—The members of the advisory board shall include the following:

"(i) The Administrator (or the Administrator's designee).

"(ii) For each Federal agency required by this section to conduct an SBIR program, the head of the agency (or the designee of the head of the agency).

"(iii) Representatives of small business concerns that are current or former recipients of SBIR awards, or representatives of organizations of such concerns.

"(iv) Representatives of service providers of SBIR outreach and assistance, or representatives of organizations of such service providers.

"(D) DUTIES.—The advisory board shall have the following duties:

"(i) To develop guidelines for awards under paragraph (1), including guidelines relating to award sizes, proposal requirements, measures for monitoring awardee performance, and measures for determining the overall value of the activities carried out by the awardees.

"(ii) To identify opportunities for coordinated outreach, technical assistance, and commercialization activities among Federal agencies, the recipients of the awards under paragraph (1), and applicants and recipients of SBIR awards, including opportunities such as—

"(I) podcasting or webcasting for conferences, training workshops, and other events;

"(II) shared online resources to match prospective applicants with the network of paragraph (1) recipients; and

"(III) venture capital conferences tied to technologies and sectors that cross agencies.

"(iii) To review and recommend revisions to activities under paragraph (1).

"(iv) To submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science and Technology of the House of Representatives an annual report on the activities carried out under paragraph (1) and the effectiveness and impact of those activities.

"(6) SELECTION CRITERIA.—In awarding grants under this subsection, the Administrator shall use selection criteria developed by the advisory board established under paragraph (5). The criteria shall include—

"(A) criteria designed to give preference to applicants who propose to carry out activities that will reach either an underperforming geographic area or an underrepresented population group (as measured by the number of SBIR applicants);

"(B) criteria designed to give preference to applicants who propose to carry out activities that complement, and are integrated into, the existing public-private innovation support system for the targeted region or population;

"(C) criteria designed to give preference to applicants who propose to measure the effectiveness of the proposed activities; and

"(D) criteria designed to give preference to applicants who include a Small Business Development Center program that is accredited for its technology services.

"(7) PEER REVIEW.—In awarding grants under this subsection, the Administrator shall use a peer review process. Reviewers shall include—

"(A) SBIR program managers for agencies required by this section to conduct SBIR programs; and

"(B) private individuals and organizations that are knowledgeable about SBIR, the innovation process, technology commercialization, and State and regional technology-based economic development programs.

"(8) PER-STATE LIMITATIONS.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the applicant must have the written endorsement of the Governor of the State where the targeted regions or populations are located (if the regions or populations are located in more than one State, the applicant must have the written endorsement of the Governor of each such State). Such an endorsement must indicate that the Governor will ensure that the activities to be carried out under the grant will be integrated with the balance of the State's portfolio of investments to help small business concerns commercialize technology.

"(B) LIMITATION.—Each fiscal year, a Governor may have in effect not more than one written endorsement for a grant under paragraph (1)(A), and not more than one written endorsement for a grant under paragraph (1)(B).

"(9) SPECIFIC REQUIREMENTS FOR AWARDS.—In making awards under paragraph (1) the Administrator shall ensure that each award shall be for a period of 2 fiscal years. The Administrator shall establish rules and performance goals for the disbursement of funds for the second fiscal year, and funds shall not be disbursed to a recipient for such a fiscal year until after the advisory board established under this subsection has determined that the recipient is in compliance with the rules and performance goals.".

SEC. 302. RURAL PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(cc) RURAL PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from rural areas.".

SEC. 303. OBTAINING SBIR APPLICANT'S CONSENT TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(dd) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

"(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program shall enable a small business concern that is an SBIR applicant to indicate to the agency whether the agency has its consent to—

"(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant; and

"(B) release the concern's contact information to such organizations.

"(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that the agency include in its SBIR application forms a provision through which the applicant can indicate consent for purposes of paragraph (1).".

SEC. 304. INCREASED PARTNERSHIPS BETWEEN SBIR AWARDEES AND PRIME CONTRACTORS, VENTURE CAPITAL INVESTMENT COMPANIES, AND LARGER BUSINESSES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(ee) INCREASED PARTNERSHIPS.—

"(1) IN GENERAL.—Each agency required by this section to conduct an SBIR program

shall establish initiatives by which the agency encourages partnerships between SBIR awardees and prime contractors, venture capital investment companies, business incubators, and larger businesses, for the purpose of facilitating the progress of the SBIR awardees to the third phase.

"(2) DEFINITION.—In this subsection, the term 'business incubator' means an entity that provides coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phases, including providing services such as shared office space and office services, access to equipment, access to telecommunications and technology services, flexible leases, specialized management assistance, access to financing, mentoring and training services, or other coordinated business or technical support services designed to provide business development assistance to entrepreneurial businesses during these businesses' startup phases.".

TITLE IV—SBIR AND STTR ENHANCEMENT

SEC. 401. INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY AND SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.

(a) INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY.—Section 9(g)(2) of the Small Business Act (15 U.S.C. 638(g)(2)) is amended by inserting before the semicolon at the end the following: ", but not less often than twice per year".

(b) SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.—Section 9(g)(4) of the Small Business Act (15 U.S.C. 638(g)(4)) is amended by inserting before the semicolon at the end the following: ", but a final decision on each proposal shall be rendered not later than 90 days after the date on which the solicitation closes unless the Administrator determines, on a case by case basis, that a decision may be extended from 90 days to 180 days".

SEC. 402. AGENCIES SHOULD FUND VITAL R&D PROJECTS WITH THE POTENTIAL FOR COMMERCIALIZATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(ff) MULTIPLE FIRST PHASE SBIR AWARDS REPORT.—The Administrator shall, on an annual basis, submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a list identifying each small business concern that, for the period covered by the preceding 5 fiscal years, received 15 or more first phase SBIR awards and no second phase SBIR awards.".

SEC. 403. FEDERAL AGENCY ENGAGEMENT WITH SBIR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE ONE AWARDS BUT HAVE NOT BEEN AWARDED PHASE TWO AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN FIRST PHASE SBIR AWARDEES.—Each Federal agency required by this section to conduct an SBIR program shall engage with SBIR awardees that have been awarded multiple first phase SBIR awards but have not been awarded any second phase SBIR awards and shall develop performance measures with respect to awardee progression in the SBIR program.".

SEC. 404. FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(hh) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

"(1) IN GENERAL.—From amounts made available to carry out this subsection, the Administrator may, on petition by Federal agencies required by this section to conduct an SBIR program, transfer funds to such agencies to assist with the administrative, oversight, and contract processing costs relating to such program.

"(2) PETITIONS.—The Administrator shall establish rules for making transfers under paragraph (1). The initial set of rules shall be promulgated not later than 180 days after the date of the enactment of this subsection.

"(3) LIMIT ON TRANSFER.—A Federal agency may not receive under this subsection in a fiscal year an amount greater than 3 percent of the SBIR budget of such agency for such fiscal year.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $27,500,000 for each of fiscal years 2010 and 2011.".

SEC. 405. COMPTROLLER GENERAL AUDIT OF HOW FEDERAL AGENCIES CALCULATE EXTRAMURAL RESEARCH BUDGETS.

The Comptroller General of the United States shall carry out a detailed audit of how Federal agencies calculate extramural research budgets for purposes of calculating the size of the agencies' Small Business Innovation Research Program and Small Business Technology Transfer Program budgets. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the results of the audit.

SEC. 406. AGENCY DATABASES TO SUPPORT PROGRAM EVALUATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)(A)—

(A) by striking "and" at the end of clause (ii);

(B) by inserting "and" at the end of clause (iii); and

(C) by adding at the end the following new clause:

"(iv) information on the ownership structure of award recipients, both at the time of receipt of the award and upon completion of the award period;";

(2) by amending paragraph (3) to read as follows:

"(3) UPDATING INFORMATION FOR DATABASE.—

"(A) IN GENERAL.—A Federal agency shall not make a Phase I or Phase II payment to a small business concern under this section unless the small business concern has provided all information required under this subsection and available at the time with respect to the award under which the payment is made, and with respect to any other award under this section previously received by the small business concern or a predecessor in interest to the small business concern.

"(B) APPORTIONMENT.—In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

"(C) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving an award under this section shall—

"(i) in the case of a second phase award, update information in the databases required under paragraphs (2) and (6) concerning that award at the termination of the award period;

"(ii) in the case of award recipients not described in clause (iii), be requested to voluntarily update such information annually thereafter for a period of 5 years; and

"(iii) in the case of a small business concern applying for a subsequent first phase or second phase award, be required to update such information annually thereafter for a period of 5 years."; and

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

"(6) AGENCY PROGRAM EVALUATION DATABASES.—Each Federal agency required to establish an SBIR or STTR program under this section shall develop and maintain, for the purpose of evaluating such programs, a database containing information required to be contained in the database under paragraph (2). Each such database shall be designed to be accessible to other agencies that are required to maintain a database under this paragraph. Each such database shall be developed and operated in a manner to ensure that each such database is relevant to and contributes to the agency's oversight and evaluation of the SBIR and STTR programs. Paragraphs (4) and (5) apply to each database under this paragraph.".

SEC. 407. AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)), as amended, is further amended by adding at the end the following new paragraph:

"(7) AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.—Each Federal agency with an SBIR or STTR program shall create and maintain a technology utilization database, which shall be available to the public and shall contain data supplied by the award recipients specifically to help them attract customers for the products and services generated under the SBIR or STTR project, and to attract additional investors and business partners. Each database created under this paragraph shall include information on the other databases created under this paragraph by other Federal agencies. Participation in a database under this paragraph shall be voluntary, except that such participation is required of all award recipients who received supplemental payments from SBIR and STTR program funds above their initial Phase II award. Each database created under this paragraph shall be developed and operated in a manner to ensure that each such database is relevant to and contributes to the agency's oversight and evaluation of the SBIR and STTR programs.".

SEC. 408. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee comprised of one representative from each Federal agency with an SBIR program and the Office of Management and Budget.

(b) COCHAIRS.—The Director of the Office of Science and Technology Policy and the Director of the National Institute of Standards and Technology shall jointly chair the Interagency SBIR/STTR Policy Committee.

(c) DUTIES.—The Interagency SBIR/STTR Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and government databases described in section 9(k) (1) and (2) of the Small Business Act (15 U.S.C. 638(k) (1) and (2)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, and appropriate criteria to exercise such flexibility.

(3) Commercialization assistance best practices in Federal agencies with significant potential to be employed by other agencies, and the appropriate steps to achieve that leverage, as well as proposals for new initiatives

to address funding gaps business concerns face after Phase II but before commercialization.

(4) Development and incorporation of a standard evaluation framework to enable systematic assessment of SBIR and STTR, including through improved tracking of awards and outcomes and development of performance measures for individual agency programs.

(d) REPORTS.—The Interagency SBIR/STTR Policy Committee shall transmit to the Committee on Science and Technology and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsections (c)(1) and (c)(4) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 409. NATIONAL RESEARCH COUNCIL SBIR STUDY.

Section 108(d) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), enacted into law by reference under section 1(a)(9) of the Consolidated Appropriations Act, 2001 (Public Law 106–554), is amended—

(1) by striking "of the Senate" and all that follows through "not later than 3" and inserting "of the Senate, not later than 3"; and

(2) by striking "; and" and all that follows through "update of such report".

SEC. 410. EXPRESS AUTHORITY TO "FAST-TRACK" PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(ii) AUTHORITY TO 'FAST-TRACK' PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.—To address the delay between an award for the first phase of an SBIR program and the application for and extension of an award for the second phase of such program, each Federal agency with an SBIR program may develop 'fast-track' programs to eliminate such delay by issuing second phase SBIR awards as soon as practicable, including in appropriate cases simultaneously with the issuance of the first phase SBIR award. The Administrator shall encourage the development of such 'fast-track' programs.".

SEC. 411. INCREASED SBIR AND STTR AWARD LEVELS.

(a) SBIR AWARD LEVEL AND ANNUAL ADJUSTMENTS.—Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(4) FURTHER ADDITIONAL MODIFICATIONS.—Not later than 180 days after the date of enactment of this paragraph and notwithstanding paragraph (2)(D), the Administrator shall modify the policy directives issued pursuant to this subsection to provide for an increase to $250,000 in the amount of funds which an agency may award in the first phase of an SBIR program, and to $2,000,000 in the second phase of an SBIR program, and a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations.".

(b) STTR AWARD LEVEL AND ANNUAL ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking "$100,000" and "$750,000" and inserting "$250,000" and "$2,000,000", respectively; and

(2) by striking "greater or lesser amounts" and inserting "with a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations, and with lesser amounts".

(c) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(jj) LIMITATION ON PHASE I AND II AWARDS.—No Federal agency shall issue an award under the SBIR program or the STTR program if the size of the award exceeds the amounts established under subsections (j)(4) and (p)(2)(B)(ix).".

SEC. 412. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE TWO AWARDS FOR SBIR-FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(kk) REQUIREMENTS RELATING TO ADDITIONAL SECOND PHASE SBIR AWARDS.—

"(1) IN GENERAL.—A small business concern that receives a second phase SBIR award for a project remains eligible to receive additional second phase SBIR awards for such project.

"(2) TECHNICAL OR WEAPONS SYSTEMS.—Agencies are expressly authorized to provide additional second phase SBIR awards for testing and evaluation assistance for the insertion of SBIR technologies into technical or weapons systems.".

SEC. 413. FIRST PHASE REQUIRED.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

"(ll) FIRST PHASE REQUIRED.—Under this section, a Federal agency shall provide to a small business concern an award for the second phase of an SBIR program with respect to a project only if such agency finds that the small business concern has been provided an award for the first phase of an SBIR program with respect to such project or has completed the determinations described in subsection (e)(4)(A) with respect to such project despite not having been provided an award for the first phase.".

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–192. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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. The proponent of such amendment may modify its amendatory instructions before the question is put thereon.

AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–192.

Ms. VELÁZQUEZ. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. VELÁZQUEZ:

Page 7, line 10, strike ''section 3(c)(1)'' and insert ''subsection (a)(1) of section 3''.

Page 7, line 11, strike ''80a–3(c)(1)'' and insert ''80a–3''.

Page 7, beginning line 13, strike ''it is beneficially owned by less than 100 persons'' and insert ''of an exemption under subsection (c)(1) or subsection (c)(7) of such section''.

Add at the end of the bill the following:

SEC. 415. MINORITY INSTITUTION PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(nn) MINORITY INSTITUTION PROGRAM.—

''(1) ESTABLISHMENT.—From amounts made available to carry out this subsection, the Administrator shall establish and carry out a program to make grants to minority institutions that partner with nonprofit organizations that have experience developing relationships between industry, minority institutions, and other entities, for the purpose of increasing the number of SBIR and STTR program applications by minority-owned small businesses.

''(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a minority institution shall submit an application to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require.

''(3) MATCHING REQUIREMENT.—As a condition of a grant under paragraph (1), the Administrator shall require that a minority institution provide a matching amount from a source other than the Federal Government that is equal to the amount of the grant.

''(4) MINORITY INSTITUTION DEFINED.—In this subsection, the term 'minority institution' has the meaning given that term in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $4,000,000 for each of fiscal years 2010 and 2011.''.

Add at the end of the bill the following:

SEC. 416. AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(oo) AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from geographic areas determined by the Administrator to have lost a major source of employment.''.

Add at the end of the bill the following:

SEC. 417. ENHANCING VETERAN PARTICIPATION IN SBIR.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(pp) ENHANCING VETERAN PARTICIPATION IN SBIR.—Notwithstanding any other provision of this section, a small business concern owned and controlled by veterans may—

''(1) receive an award in the amount of $300,000 in the first phase of an SBIR program and in the amount of $2,250,000 in the second phase of an SBIR program, with such amounts able to be exceeded if the Federal agency making the award notifies the Administrator of such excess; and

''(2) receive an award for the second phase of an SBIR program with respect to a project without having received a first phase award with respect to such project.''.

Page 13, line 7, strike ''met and a'' and insert ''met, a''.

Page 13, line 8, insert after ''such data'' the following: '', and a description of the reasons why the goals were met or not met''.

Page 8, line 7, insert ''renewable'' before ''energy-related''.

Page 8, line 16, after ''priorities'' insert ''(including renewable energy-related technologies)''.

Add at the end of the bill the following:

SEC. 418. VETERAN PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

''(qq) VETERAN PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients that are small business concerns owned and controlled by veterans.''.

Add at the end of the bill the following:

TITLE V—IMPROVING WATER USE AND TRANSMISSION TECHNOLOGY

SEC. 501. IMPROVING WATER USE AND TRANSMISSION TECHNOLOGY.

Not later than 1 year after the date of the enactment of this Act, Federal agencies with an SBIR program, as appropriate, shall jointly develop and issue a small business innovation research solicitation that requests research proposals with respect to improving the efficiency of water delivery systems and usage patterns in the United States and its territories through the use of technology.

Page 16, line 19, strike ''both'' and insert ''more''.

Page 17, after line 3, insert the following:

''(C) Small business concerns owned and controlled by Native Americans.

Page 22, line 8, strike ''Rural preference'' and insert ''Preferences''.

Page 22, line 12, strike ''Rural preference'' and insert ''Preferences''.

Page 22, line 15, strike ''from rural areas.'' and insert ''that are from rural areas, or that are small business concerns owned and controlled by Native Americans. The Administrator shall submit an annual report to Congress setting forth how many small business concerns owned and controlled by Native Americans were recipients of assistance under this section.''.

Page 17, after line 3, insert the following:

''(D) Small business concerns located in geographic areas with an unemployment rate that exceeds the national unemployment rate.

Page 19, line 24, insert after ''geographic area'' the following: ''(including geographic areas with an unemployment rate that exceeds the national unemployment rate)''.

Page 22, line 15, insert after ''recipients'' the following: ''that are from areas with an unemployment rate that exceeds the national unemployment rate,''.

The CHAIR. Pursuant to House Resolution 610, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Pursuant to the rule, I send to the desk a modification to amendment No. 1.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Ms. VELÁZQUEZ:

The fourth amendatory instruction on page 4 is amended by striking ''line 16'' and inserting ''line 15''.

The second amendatory instruction on page 5 is amended by striking ''line 19'' and inserting ''line 17''.

The third amendatory instruction on page 5 is amended by striking ''line 3'' and inserting ''line 2''.

The fourth amendatory instruction on page 5 is amended by striking ''line 8'' and inserting ''line 4''.

The fifth amendatory instruction on page 5 is amended by striking ''line 12'' and inserting ''line 8''.

The first amendatory instruction on page 6 is amended by striking ''line 15'' and inserting ''line 11''.

The second amendatory instruction on page 6 is amended by striking ''line 3'' and inserting ''line 2''.

The third amendatory instruction on page 6 is amended by striking ''line 24'' and inserting ''line 22'' and by striking ''geographic area'' and inserting ''area''.

The fourth amendatory instruction on page 6 is amended by striking ''line 15'' and inserting ''line 11''.

Ms. VELÁZQUEZ (during the reading). Mr. Chairman, I ask unanimous consent to suspend the reading.

The CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIR. The amendment is modified.

Ms. VELÁZQUEZ. Mr. Chairman, the manager's amendment makes technical and conforming changes to the underlying legislation. It also incorporates several important amendments offered by Members.

I would like to thank these Members for their contributions: Mr. BARROW, Mr. BOREN, Mr. BOSWELL, Ms. SUTTON, Mr. CARDOZA, Mr. CHILDERS, Mrs. DAHLKEMPER, Mrs. KIRKPATRICK, Mr. KRATOVIL, Ms. MARKEY, Mr. MCNERNEY, Ms. MCCOLLUM and Mr. PERLMUTTER.

Because of their contributions, we have a stronger bill before us today. The provisions that are included in the manager's amendment will foster what we are doing to help veteran small businesses. As a new generation of veterans returns home from the current conflicts in Iraq and Afghanistan, many of them will be seeking opportunities through entrepreneurship. Veterans are often well suited to be small business owners.

The manager's amendment will also enhance our outreach to women- and minority-owned businesses. Diversity has always been our Nation's greatest strength. By expanding the diversity of the firms that compete for SBIR grants, we will strengthen the overall SBIR program. The same can be said about the provisions in the manager's amendment that will encourage greater participation by rural businesses. Drawing these companies into the program will mean more ideas and better ideas.

In addition to encouraging greater diversity among participating firms, the manager's amendment targets SBIR and STTR groups toward a number of pressing problems where innovation and research are badly needed. For instance, language in the amendment clarifies that the programs shall make renewable energy a priority. Small businesses are already leading the way in constructing a green economy, and this provision will build on that success.

Lastly, the manager's amendment improves oversight. The 111th Congress has made oversight one of our top priorities to ensure that taxpayers' dollars are spent wisely and well.

This amendment continues that effort. SBIR and STTR are two of our Nation's most successful programs. It is our goal to ensure they continue functioning smoothly and effectively.

Mr. Chairman, I strongly encourage my colleagues to support this amendment.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I rise to claim time in opposition to the amendment, even though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Missouri is recognized for 15 minutes.

There was no objection.

Mr. GRAVES. The gentlelady's amendment makes some needed technical changes to the bill. In addition, the amendment incorporates some suggestions from other House Members that will enhance the operations of the SBIR and STTR programs.

I thank the chairwoman for her thoughtful consideration in the development of this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentlelady from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I would like to thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their leadership in bringing this legislation forward, and I rise today in strong sport of the manager's amendment to H.R. 2965.

The manager's amendment makes a number of very good changes to the base bill, including my amendment on water conservation technology. My amendment would improve the efficiency of water delivery systems and usage patterns in the United States by including this as a topic for one of the small business innovation research solicitations.

Water scarcity is a growing concern throughout the United States. Multiyear droughts continue to plague regions and States around the country, including the Southeast, Texas, and California. For many municipalities, intense competition for water and diminished supplies will force local water agencies to make difficult decisions on water allocations to protect essential ecosystem services. This includes implementing tough restrictions that could harm our agriculture industry while diminishing economic growth and job creation.

In order for our country to achieve a more sustainable future for our children, we must act now to conserve one of our most precious resources, our water supply. By improving the technology of our water delivery systems, we can maximize our limited water resources and reduce our energy use.

Again, I thank the chairwoman for including this in her amendment, and I urge my colleagues to join me in support of this amendment's adoption.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Thank you, Madam Chairman, for allowing me to share this moment.

I rise in support of this legislation and the manager's amendment, the manager's amendment because the Enhancing Small Business Research and Innovation Act holds great promise for our Nation's most innovative minds and creative entrepreneurs.

In particular, I would like to thank the chairwoman for including in the manager's amendment language that will give priority for SBIR and STTR grants to applicants in areas that have suffered the loss of a major source of employment.

Having worked with Congresswoman SUTTON to pass these provisions in the 2008 reauthorization when it was considered by the full House, I know that both of us are very pleased this language has made its way to the floor again this year.

Almost 2 years ago, Maytag Corporation in Newton, Iowa, a town of 15,500 people, manufactured its last machine after being purchased by its larger competitor, losing more than 2,000 good-paying family jobs. Since then, this town has worked hard to rebuild itself, create jobs for the people of Newton and its surrounding communities.

Unfortunately, though, similar stories still devastate towns in my district, my State, and our country and yours as well. Local shops are closing doors, factories are being put out, and too many hardworking Americans have lost their jobs.

This bill will bring new jobs to towns whose hard leadership has been forced to close doors on its consumers and its employees. It will provide employment for those individuals who worked on the assembly line 50 miles down the road welding the frames.

The ongoing effects of bankrupt companies and lost liquidity are placing damaging effects on workers in all districts, on people who found pride in their jobs and now just want to provide for their families.

By enhancing and reauthorizing the SBIR and STTR program, we will put moms and dads back to work so they can put food on the table and pay the bills. College students graduating with debt will have increased opportunities in their communities, and we will tap into some of the most industrious and ambitious minds in America.

By passing this legislation today, we will empower other districts and provide our constituents with the resources they need to rebuild their communities.

I urge my colleagues to support this underlying bill and the manager's amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, the Small Business Innovative Research Program and the Small Business Technology Transfer Program have helped countless small businesses find funding opportunities in the science and technology sectors. That's why I am proud to rise in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009, and the manager's amendment offered by Chairwoman VELÁZQUEZ. I am also pleased that the chairwoman's amendments include improvements include an amendment that I submitted to make sure that the SBIR program is accessible to businesses located in the areas that have been most hard hit by the economic downturn.

The State of California suffers from unemployment exceeding the national rate, and the San Joaquin Valley, a portion of which I am honored to represent, has been particularly hard hit.

The language I wrote ensures that organizations receiving funding to help small businesses access SBIR opportunities are able to direct their efforts towards companies located in the areas with the highest unemployment.

I have worked closely on this issue with my colleagues, Mr. CARDOZA and Mr. CHILDERS, and I would also like to thank them for their hard work and support.

I am fortunate to travel home to California nearly every single weekend. I have met with innovative small business owners whose product promised to change our country for the better. The manager's amendment will help small businesses in the San Joaquin Valley and elsewhere enjoy the full benefits of the SBIR Program. I am proud to support its passage.

Ms. VELÁZQUEZ. I urge adoption of the manager's amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ), as modified.

The amendment, as modified, was agreed to.

□ 1330

AMENDMENT NO. 2 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–192.

Ms. GINNY BROWN-WAITE of Florida. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. GINNY BROWN-WAITE of Florida:

Add at the end of the bill the following:

TITLE V—GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

SEC. 501. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

The Comptroller General of the United States shall carry out a study of the impact of requirements relating to venture capital operating company involvement under section 9(aa) of the Small Business Act, as added by section 102 of this Act. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

The CHAIR. Pursuant to House Resolution 610, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today first to applaud the House for working on legislation that is designed specifically to help small businesses. It is the most important thing that Congress can do for the economy, and I thank the chairwoman and the ranking member for their hard work on this issue.

I also rise today to bring one provision in the bill that will surely influence the effectiveness of the SBIR and STTR programs—either for good or ill.

Section 102 mandates that no single venture capital firm may own more than 49 percent of a small business for that small business to be eligible to participate in these programs. Multiple venture capital companies, however, in aggregate, may own a majority of the shares, but no single firm may have a controlling interest.

In essence, section 102 attempts to strike a balance between the two concerns. On the one hand, Congress does not want large venture capital firms scavenging and acquiring a large number of small businesses simply to take advantage of Federal tax dollars. On the other hand, Congress has an interest in making sure that any otherwise eligible small business is not unnecessarily excluded from participating simply because it has received all or a majority of its funding from a single angel, of sorts, investor.

Preventing large firms from ''gaming'' the system is the correct goal in my view, and I appreciate the committee's work to address this problem. Yet, Congress must do everything possible to ensure that we are not letting our pursuit of the perfect affect our ability to achieve the goals of this legislation.

Simply put, my amendment directs GAO to conduct a study on the effect that this ownership restriction has on participation. This will help Congress to determine if the right balance has been struck.

The bottom line, Mr. Chairman, is that in far too many cases thoughtful and well-intended programs to assist small businesses have been unnecessarily hampered by arbitrary rules and restrictions that made sense at first glance.

The SBA's ARC loan program, for instance, which provides 100 percent guarantees for small business loans had been hampered because despite the guarantee, many banks are refusing, most banks are actually refusing to participate. Banks are being forced to hoard capital to satisfy stress test requirements, and while those requirements make sense for regulators, they

inhibit the government's ability to administer its small business programs.

As my colleagues know, small businesses accounted for 70 percent of new job growth over the last 10 years. It is critical that Congress get these small business programs right and that they are implemented quickly. Over the long term, Congress must continue to do everything to support entrepreneurs through thoughtful policy and resist the temptation to replace them with bureaucrats.

This, Mr. Chairman, is a program that supports entrepreneurs, and I think that we owe it to them to make sure that the program is as effective as possible; and if it is not, to fix it until we get it right.

I believe this legislation has a chance to do what Congress should have done from the start in this economic crisis, and that is to help small businesses. However, if in a month from now Congress turns around and institutes employer mandates and taxes the health care benefits provided by small business owners, the House will again have taken a step back in supporting the recovery and growth of small businesses.

I urge the House's adoption of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, in the 111th Congress, this body has made oversight a top priority. Accountability is critical to the legislative process, and it is the principle that the Small Business Committee has consistently worked to promote. So I thank the gentlelady from Florida for this amendment.

As I mentioned, my colleagues and I on the Small Business Committee have conducted a great deal of oversight. We have collaborated with GAO in the past, and I know they do good work. So I would be particularly interested to see them do a study on the effects of venture capital investment in the SBIR program.

In particular, I think it would be useful for all of Congress to understand how both this legislation as well as the 2003 ruling blocking venture capital participation has affected the SBIR program. These questions are critical to our continued oversight of these initiatives, and I thank the gentlelady for her efforts in this area.

I think a study will shed light on the role that venture capital plays in the high-tech arena. For many small firms, access to capital is critical, and it is often equity investment that allows a small business to advance their research to the marketplace.

A recent study by the National Research Council, which this GAO investigation would complement, found that restricting venture capital investment adversely affected the most promising firms. GAO has the broad capabilities to investigate the impact of this legislation and the SBA's regulation in this area, across all SBIR agencies. This comprehensive review will shed light on both the historical patterns of venture capital financing throughout the program, and whether certain agencies are embracing such investment.

Like Ms. BROWN-WAITE, I am committed to keeping SBIR and STTR small business programs. I believe that this study will help ensure this. With the economy facing so many challenges, expanding access to capital for small businesses has never been more important.

I yield to the gentleman from Missouri (Mr. GRAVES) for any thoughts he may have.

Mr. GRAVES. Thank you, Madam Chair.

Mr. Chairman, I rise today in support of the amendment offered by the gentlewoman from Florida. I believe that an independent review of the SBIR and STTR programs by a trusted arm of Congress, the GAO, will prove beneficial when we reauthorize this program in a few years.

In conducting this study, I expect that the GAO will take its normal unbiased view without any preconceived notions on the value of the programs or the changes that we have made to them in H.R. 2965.

Mr. Chairman, I appreciate the gentlelady yielding.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentlelady is prepared to yield back, we are prepared to accept the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I appreciate the gentlelady from New York working with me on this amendment as a former New Yorker and as somebody who wants to make sure that this bill works. I really appreciate it.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I urge adoption of this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. KOSMAS, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–192.

Ms. KOSMAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. KOSMAS:

Page 14, after line 4, insert the following:

''(2) SPACE SHUTTLE PROGRAM.—Each agency required to establish a commercialization program under paragraph (1) and that carries out construction, assembly, or research and development activities with respect to the space shuttle program (also known as the space transportation system) shall include, as part of such commercialization program, activities to assist small business concerns affected by the termination of the space shuttle program to commercialize technologies through SBIR. Activities to assist such small business concerns may include activities described in paragraph (1) and other activities to assist small business concerns making the transition from work relating to the space shuttle program to work in related or unrelated industries.

Page 14, line 5, strike ''(2)'' and insert ''(3)''.

Page 14, line 24, strike ''(3)'' and insert ''(4)''.

Page 15, line 1, strike ''paragraphs (1) and (2)'' and insert ''this subsection''.

The CHAIR. Pursuant to House Resolution 610, the gentlewoman from Florida (Ms. KOSMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. KOSMAS. Mr. Chairman, pursuant to the rule, I send to the desk a modification of amendment No. 3.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 3 offered by Ms. KOSMAS:

The third amendatory instruction is amended by striking ''line 24'' and inserting ''line 23''.

The fourth amendatory instruction is amended by striking ''Page 15, line 1'' and inserting ''Page 14, line 25''.

The CHAIR. The amendment is modified.

Ms. KOSMAS. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of my amendment to H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. I would like to thank the chairwoman for her support of this important amendment, which will assist small businesses in my District and across the Nation that support NASA's space shuttle program.

With suppliers in nearly every State, the retirement of the space shuttle program will have a significant economic impact. In my district alone, over 300 businesses work with NASA and these small businesses had over $200 million in contracts last year.

This amendment will provide that these businesses have the opportunity to commercialize and that they get assistance in doing so so that they can continue to thrive and contribute to our economy following the expiration of the shuttle program. The contributions the shuttle program has made to our economy and to the improvement of our everyday lives are countless, and we must continue to utilize the knowledge, innovation, and unique workforce that has supported NASA throughout the years. Helping small businesses by increasing their potential to produce products for the marketplace will ensure that this exceptional workforce and this small business sector will not be dispersed and lost, but will be able to continue developing vital technologies and growing our economy.

NASA's innovative partnerships program has a strong history of engaging small businesses in developing technology for NASA needs and transferring that technology to the public benefit. In 2008, NASA's SBIR awards went to 205 firms spanning 31 States. NASA also identified 1,110 newly developed technologies last year that could lead to patenting and to transfer. Technologies developed by and for NASA lead to new products deployed to the fields of health and medicine, transportation, public safety, agriculture, industrial productivity, and of course computer technology.

Helping small businesses affected by the retirement of the shuttle program transition to work in related or unrelated industries will encourage cutting-edge research and development and preserve the unique workforce which has made us the world leader in innovation.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Space exploration has long been a symbol of American innovation. Today, we are in the process of unwinding one of our most high-profile efforts in that arena. In the next year, NASA's space shuttle project will retire for good. As the program comes to an end, so will an estimated 8,000 contracting jobs. While the project is shutting down, its contractors and the innovation behind it shouldn't have to.

In the past, these firms contributed a great deal to NASA's space shuttle program. I believe they can do the same for other Federal agencies, and for other space initiatives such as the Mars Lander project. That is why Ms. KOSMAS's amendment is so important.

By retooling their operations and seeking new markets, space shuttle contractors can continue to offer high-wage jobs to countless Americans, all while maintaining their commitment to science and technology.

This amendment offers transitional assistance to displaced firms, helping them identify and vie for other R&D projects. In doing so, it will ensure that even with the loss of the program, we don't lose our most innovative businesses.

I urge the adoption of this amendment.

I yield to the gentleman from Missouri (Mr. GRAVES) for any comments he wishes to make.

Mr. GRAVES. Thank you, Madam Chair.

I rise today in support of the amendment from the gentlelady from Florida. The space program has and continues to create new and exciting technologies, often by small businesses. The amendment will ensure that the creative ideas associated with the development of the space shuttle will not be lost and will be transferred to other new technologies.

I thank the gentlelady for the amendment.

Ms. VELÁZQUEZ. We are prepared to accept the amendment.

Ms. KOSMAS. Mr. Chairman, I urge adoption, and I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. KOSMAS), as modified.

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. KOSMAS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

□ 1345

AMENDMENT NO. 4 OFFERED BY MR. REICHERT, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–192.

Mr. REICHERT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. REICHERT:

Page 20, after line 2, insert the following new subparagraph and redesignate subparagraphs (B) through (D) in lines 3 through 14 as (C) through (E) respectively:

''(B) criteria designed to give preference (i) to applicants serving underrepresented States and regions and (ii) to applicants who are women-, service-disabled veterans-, or minority-owned.''.

The CHAIR. Pursuant to House Resolution 610, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, pursuant to the rule, I send to the desk a modification of amendment No. 4.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. REICHERT:

The amendatory instruction is amended to read as follows: ''Page 20, line 1, insert the following new subparagraph and redesignate subparagraphs (B) through (D) on lines 1 through 12 as (C) through (E) respectively:''.

The CHAIR. The amendment is modified.

Mr. REICHERT. Mr. Chairman, I am pleased to offer this commonsense, bipartisan amendment with my colleague from Washington (Mr. SMITH).

Our amendment directs the Small Business Administration to prioritize giving grants used for outreach to disadvantaged small businesses to be given to similar organizations that can empathize and understand them.

Outreach to underserved areas and disadvantaged small businesses is essential. I have found, in my district and in my State, that many small businesses are completely unaware of the resources available to them and often incur unnecessary costs trying to navigate a complex government system just to apply for assistance.

Outreach and assistance can mean so much more when someone who overcame that same difficulty has an understanding of the needs of these disadvantaged small businesses and reaches out to them with a helping hand. For example, a wounded warrior may come home and start up a new business and go through all the processes, and I've heard many a frustrating story from those men and women who return home trying to get their lives back on track as they come back from serving our country. They really have a grasp as to what's been happening and how they achieved their goals, and so the intent of this legislation is so those people—wounded warriors, women, and those who represent minority-owned businesses—can reach out to those people and help them build their own business, create job opportunities for their families, and also create job opportunities for families across this country.

We all know that small businesses really generate the jobs in this country. Ninety-four percent of the jobs in Washington State are provided by small businesses, so this piece of legislation, Mr. Chairman, is absolutely essential.

I have a young wounded warrior working in my office who did two tours in Iraq and one in Afghanistan who fully understands what it's like to come back home and go through the process of receiving health care and finding a job here when he returned to his home. Zach is there to help those wounded warriors as they call in to the office, and he can help them because he understands because he has been there, done that.

I would encourage my colleagues to support this commonsense, bipartisan amendment to help those people that we all respect and admire so greatly to find jobs and create businesses in their own communities.

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

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the legislation that we're debating today is designed to expand the pool of businesses that participate in the SBIR program. That is why this bill provides grants to economic development organizations so that they can educate rural entrepreneurs as well as businesses owned by women, minorities,

and veterans about SBIR. By expanding the set of businesses that compete for grants and contribute creative ideas, we can further spur innovation and encourage the development of new, better products.

The amendment offered by the gentleman from Washington strengthens this part of the bill. By utilizing organizations that have experience with the communities we are trying to reach, it will expand the reach of the SBIR and STTR program, making this bill more effective.

It only makes sense to have the Small Business Administration leverage the knowledge of groups that already work closely with these populations. These organizations are already familiar with the small businesses in their communities and know which entrepreneurs will make strong SBIR candidates.

With this amendment, we will be able to broaden the pool of talent that competes for SBIR grants. That means more ideas, better ideas, and an improved return on investment for the taxpayer.

I, therefore, urge the adoption of this amendment and yield to the cosponsor of the bill, the gentleman from Washington (Mr. SMITH).

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

Mr. SMITH of Washington. Mr. Chairman, I rise in support of this amendment, and I thank Congressman REICHERT for offering it.

These are two critical programs. And I thank the committee, as well, for their excellent work in reauthorizing these programs, the SBIR and the STTR programs, which are designed to help small businesses with innovative products get access to help from the Small Business Administration to promote those products, and in particular, to emphasize help for veteran-owned businesses, small businesses, minorities, and underrepresented areas.

I applaud Mr. REICHERT for offering this amendment as we reach out to those people and try to make them aware of this program, which has been a significant challenge, as Mr. REICHERT outlined, of people being aware of the opportunities that are there. It makes a great deal of sense to those same veterans, minorities, and underrepresented areas to do that outreach. I think this is a well thought-out amendment that will help enormously in making sure those people get access to these critical programs.

As Mr. REICHERT mentioned, there are a large number of veterans coming back from fighting in Iraq and Afghanistan who are looking for these opportunities. This amendment will help make sure that our veterans get that help that they need to find those opportunities that are there.

And this will also be a huge boon to our economy. There are a lot of great ideas amongst these groups. If we can take those ideas, turn them into businesses and turn them into jobs, we all benefit from it, while at the same time helping our veterans who so richly deserve our help.

This is an important amendment that will help facilitate access by veteran-owned and other underrepresented businesses to the SBIR and STTR programs that we are discussing today.

As was already explained by my colleague, this amendment ensures that the outreach to underserved areas and underrepresented small businesses called for in this legislation will be conducted by organizations that include those which serve underrepresented States, regions, and businesses owned by women, persons of minority status, or service-disabled veterans.

As my district is home to many veterans who have gone on to start small businesses, and with many who will soon return home from service abroad and look to start businesses of their own, I am proud to offer this amendment with my colleague, Mr. REICHERT. This amendment will help to ensure that there are avenues available to those veterans and other underrepresented small business owners that would benefit from the assistance offered by the SBA.

I ask that my colleagues support this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, I yield as much time as he may consume to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Washington.

Representing a State that has a significant rural base, the outreach program in H.R. 2965 should not overlook the creativity of any rural Americans. The amendment from the gentleman from Washington will help ensure that no rural Americans will be overlooked in the SBIR and the STTR programs.

Mr. REICHERT. Mr. Chairman, I would just close by saying that I very much appreciate the support on this amendment from the other side of the aisle, my colleagues, especially the chairwoman and Mr. SMITH for their support, and also for the support of Mr. GRAVES.

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

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–192.

Mr. PAULSEN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. PAULSEN:

Add at the end of the bill the following:

SEC. 415. MEDICAL TECHNOLOGY.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended, is further amended in the matter preceding subparagraph (A) by inserting after ''broad research topics'' the following: ''and research topics relating to medical technology''.

The CHAIR. Pursuant to House Resolution 610, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would add medical technology to the list of commercialization and research topics that deserve special consideration for SBIR funding.

According to a recent census study, 71 percent of medical device companies have less than 10 employees, small businesses. Despite the small size of these companies, they have a tremendous impact on our economy. Each medical technology job has been shown to create an additional two jobs by creating the need for secondary positions such as technicians and repairmen and by purchasing other inputs of production.

Each medical technology payroll dollar generates an additional $1.12 in payroll to account for the increased number of positions and skills required to fill these jobs, and each dollar of medical technology sales generates an additional 90 cents in sales in that State by providing more citizens with disposable income.

While startup costs are high for many of these new technologies, they do pay dividends down the road once the products get to market. We should help these companies by getting the funds they need into their hands so they can bring new lifesaving technologies to market.

The current challenge right now is that these are high-risk/high-reward investments. This amendment will go a long way to providing these firms with needed capital to continue innovating. In the last 10 years alone, there has been an 80 percent increase in patents for breakthrough medical technologies, and we must help these products get to market.

One such company recently testified before the Small Business Committee on the SBIR program; it was Micro-Transponder. In their testimony at the committee, they outlined how they have used the SBIR funds to develop treatments for chronic pain and other neurological disorders, including traumatic brain injury, posttraumatic stress disorder, motor disorders, autism, and others. Taken together, these conditions affect over 50 million people in the U.S. and represent a cost of over $100 billion annually.

Mr. Chairman, as Congress moves towards health reform legislation, we should also consider ideas that are cost efficient and cost effective. Not only

does medical technology create jobs and increase life expectancy, it also shows to reduce costs in countless cases.

So as the medical technology industry continues to grow and expand, we need to make sure that patients will see these benefits on an increasingly efficient basis that is more affordable and that are lifesaving technologies. That is why this amendment makes sense to target these resources.

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

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman from Minnesota for his good amendment.

We all know that one area where SBIR has been most successful is medical research. From heart stents to pacemakers, advances in the medical technology field bring important benefits to the lives of ordinary Americans every day.

In addition to improving our quality of life, the medical technology industry is an important driver in the American economy. In 2006, this industry employed more than 350,000 people and paid $21.5 billion in salaries. Clearly, this field, which is dominated by smaller firms, plays a vital role in providing jobs and fostering economic growth.

Many of these firms got their start thanks to SBIR funding. The kind of high-risk/high-reward research that medical technology companies engage in makes them strong candidates for SBIR grants, so already there is an important relationship between SBIR and advances in the medical technology field. Mr. PAULSEN's amendment would codify this relationship by putting a direct reference to medical technology in the act.

While a seemingly small change, this amendment will formalize SBIR's support for medical technology research. In that way, the amendment will support future research and may very well lead to the development of the medicines of tomorrow.

I believe this is a good amendment, and I yield to the ranking member, Mr. GRAVES, for any comments that he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Minnesota.

Medical technology represents a key component of the economy and also an important contributor to the quality of life in this country. The amendment makes a sensible recognition that medical technology should be a special focus of the SBIR and STTR programs.

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept the amendment.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Chairman, I thank the leadership, on a bipartisan basis, for their support of this amendment.

I would like to yield 2 minutes to an avid guitar player and staunch supporter of maintaining the United States' status as a world leader in medical technology, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Chairman, I rise in support of the Paulsen amendment to give special consideration to SBIR funding for medical technology.

The underlying legislation prioritizes projects that are related to energy and infectious diseases, and there is no question that these are deserving areas. But I believe the Paulsen amendment adds an important priority category that is left out, medical technology. The fact is, because of our health care system, we lead the world in medical technology advances. It's a huge competitive edge we hold and one I do not want to lose.

As a physician, I was able to take advantage of this technology over the course of my career, and I can give numerous examples of how care was improved for my patients. Prioritizing SBIR funding for medical technology projects is one step to help us maintain our edge.

While this amendment will take steps toward creating a fertile environment for medical technology advances, it is important not to take two steps back by creating a government-run health care system.

A major problem with care that is managed by Washington bureaucrats instead of patients and doctors is that bureaucrats are focused on cost rather than advancing care, and they inevitably require the use of older, less expensive technology because of its comparative effectiveness.

If the health care system refuses to use new technology until older technology is proven ineffective, we eliminate much, if not all, of the incentive for new medical technology developments and rob future generations of the chance to find cures for cancer, Alzheimer's, Parkinson's, and diabetes, just to name a few.

□ 1400

I urge adoption of the Paulsen amendment, which to me is just common sense, and hope this Congress does all it can to keep the health care system that rewards medical research and development.

Mr. PAULSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. KOSMAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. KOSMAS) 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 vote was taken by electronic device, and there were—ayes 427, noes 4, not voting 7, as follows:

[Roll No. 483]

AYES—427

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
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
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 (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
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
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—4

Flake
King (IA)
Foxx
Price (GA)

NOT VOTING—7

Broun (GA)
Cardoza
Castor (FL)
Ellsworth
Faleomavaega
Mack
Sestak

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 5 minutes remaining on this vote.

□ 1428

Messrs. FLAKE, KING of Iowa, and PRICE of Georgia changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CARDOZA. Mr. Chair, I was unable to be present for several votes taken on the House floor earlier today as one of my children required immediate medical attention. As a result, I missed rollcall votes 480, 481, 482, and 483.

Had I been present, on rollcall vote 480 I would have voted ''aye''; on rollcall vote 481 I would have voted ''aye'', on rollcall vote 482 I would have voted ''aye''; and on rollcall vote 483 I would have voted ''aye.''

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. ROSS, 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. H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, pursuant to House Resolution 610, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 15, not voting 6, as follows:

[Roll No. 484]

AYES—411

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
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
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
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 (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
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
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)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
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
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—15

Chaffetz
Duncan
Flake
Foxx
Franks (AZ)
Manzullo

Marchant	Paul	Ryan (WI)
McClintock	Petri	Sensenbrenner
Miller (FL)	Poe (TX)	Shadegg

NOT VOTING—6

Broun (GA)	Ellsworth	Sestak
Castor (FL)	Murtha	Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1446

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SIMPSON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SIMPSON. In its current form.

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

The Clerk read as follows:

Mr. Simpson moves to recommit the bill. H.R. 2965, to the Committee on Small Business with instructions to report the same back to the House forthwith with the following instructions:

At the end of the bill, insert the following new section:

SEC. . SENSE OF CONGRESS ON REGULAR ORDER ON APPROPRIATIONS BILLS.

Whereas it is the sense of the House that the statements regarding the appropriations process stated October 6, 2000, by the gentleman from Wisconsin, Mr. Obey, should be followed, when he stated:

''We have gotten so far from the regular order that I fear that if this continues, 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.''

Ms. VELÁZQUEZ. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Speaker, we offer this motion to recommit because I think everyone in this body realizes that we have gone far astray from regular order, and we know the damage that does to this Institution. We have done it in the name of expediency, as if we have to be done by some specific date on some arbitrary schedule that has been scratched out on some piece of paper.

We all know that we have work to do. We weren't here Monday. We could have worked. We could have done appropriation bills. But instead, what we have done is cut Members out not being able to offer amendments on the floor, not only minority Members but majority Members too.

We all know that we have gotten far away from regular order and that we need to return to regular order where Members have the right and the ability to represent their constituents that elected them here. That means offering amendments to appropriation bills. Our history has been that appropriation bills come to the floor under an open rule so that Members have the right to offer amendments.

Is it frustrating? Yes. Does it take a lot of time? Yes. Are there some amendments that we wish wouldn't be offered? Sure. But that is our job. Our job is to come here and debate issues, not expediency, trying to get them done at a specific time. By doing that, what we do is cut off Members' ability to offer amendments and represent their constituencies.

I believe that Mr. OBEY was absolutely correct on October 6, 2000, when he said, We have gotten so far from regular order that I fear that if this continues, 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 we have stuck to regular order as long as we have in this Institution is to protect the rights of every Member to participate, minority Members and majority Members. And when we lose those rights, we lose the right to call this the greatest deliberative body left in the world.

He is absolutely right, and we need to adopt this as a sense of Congress that we need to return to regular order so that Members can represent their constituents and they can offer amendments. It will take long, yes, but people will have the opportunity to represent their constituents. And everyone here on both sides of the aisle knows in their heart this is what we need to do if we are going to be called a ''representative democracy'' instead of trying to get it done because we have an August recess coming up.

I am willing to stay and work. I am willing to stay on the weekends and work if that is necessary to get our work done. And you should be, too. That is what we are getting paid for, not to cut Members off.

So I would urge you to adopt this motion to recommit so that we can return to regular order and so that Members have the right and the ability to represent their constituents on this floor.

I fear, as I said the other day, I truly fear that you know not the damage that you do to this Institution with the rules that are closing off debate on the appropriations process. We need to return to regular order and open debate and let Members offer their amendments and represent their constituents in the manner for which they were elected.

POINT OF ORDER

Ms. VELÁZQUEZ. Mr. Speaker, I insist on my point of order.

Putting aside the gentleman's comments, let me just say that we spent almost 2 hours, 3 hours here debating the SBIR/STTR, and what we heard is people talking about the economic downturn and how can we grow this economy. This bill deals with title IX of the Small Business Act. As such, Mr. Speaker, under clause 7 of the House rule, the amendment is not in order and is not germane to the underlying bill.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The motion proposes an amendment expressing a sense of Congress on a wholly unrelated topic. That amendment is not germane. The point of order is sustained. The motion is not in order.

Mr. SIMPSON. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Ms. VELÁZQUEZ. Mr. Speaker, I move to table the appeal.

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

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

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. 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 table, if not followed by proceedings in recommital, will be followed by 5-minute votes on passage; and approval of the Journal.

The vote was taken by electronic device, and there were—ayes 246, noes 181, not voting 5, as follows:

[Roll No. 485]

AYES—246

Abercrombie	Butterfield	Davis (IL)
Ackerman	Capps	Davis (TN)
Adler (NJ)	Capuano	DeFazio
Altmire	Cardoza	DeGette
Andrews	Carnahan	Delahunt
Arcuri	Carney	DeLauro
Baca	Carson (IN)	Dingell
Baird	Castor (FL)	Doggett
Baldwin	Chandler	Donnelly (IN)
Barrow	Childers	Doyle
Bean	Clarke	Driehaus
Becerra	Clay	Edwards (MD)
Berkley	Cleaver	Edwards (TX)
Berman	Clyburn	Ellison
Berry	Cohen	Ellsworth
Bishop (GA)	Connolly (VA)	Engel
Bishop (NY)	Conyers	Eshoo
Blumenauer	Cooper	Etheridge
Boccieri	Costa	Farr
Boren	Costello	Fattah
Boswell	Courtney	Filner
Boucher	Crowley	Foster
Boyd	Cuellar	Frank (MA)
Brady (PA)	Cummings	Fudge
Braley (IA)	Dahlkemper	Giffords
Brown, Corrine	Davis (AL)	Gonzalez
Buchanan	Davis (CA)	Gordon (TN)

Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
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
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
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
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
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

NOES—181

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)
Bright
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
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
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
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
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Broun (GA)
Dicks
Harman
Melancon
Sestak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1512

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

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 386, noes 41, not voting 5, as follows:

[Roll No. 486]

AYES—386

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)
Blumenauer
Blunt
Boccieri
Boehner
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)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
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, 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)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—41

Blackburn
Campbell
Chaffetz
Courtney
Duncan
Ellison
Flake
Foxx
Franks (AZ)
Fudge
Hensarling
Herseth Sandlin

Hodes
Hoekstra
Issa
Jordan (OH)
Kingston
Kucinich
Lee (NY)
Linder
Manzullo
Marchant
Markey (MA)
McClintock
Miller, Gary
Murphy (CT)
Paul
Petri
Poe (TX)
Posey
Rohrabacher
Royce
Schauer
Sensenbrenner
Sessions
Shadegg
Taylor
Teague
Thornberry
Tsongas
Welch

NOT VOTING—5

Broun (GA)
Conyers
Harman
Sestak
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1522

Mr. MURPHY of Connecticut and Mrs. BLACKBURN changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

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

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore (Mr. ALTMIRE). 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.

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

RECORDED VOTE

Mr. LAMBORN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 237, noes 184, answered ''present'' 1, not voting 10, as follows:

[Roll No. 487]

AYES—237

Abercrombie
Ackerman
Aderholt
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
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
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Yarmuth

NOES—184

Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Carney
Carter
Cassidy
Castle
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Davis (IL)
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Duncan
Ellsworth
Etheridge
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Markey (MA)
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Pence
Peterson
Petri
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—10

Bright
Broun (GA)
Conyers
Emerson
Harman
McMahon
Ros-Lehtinen
Sestak
Watson
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1531

So the Journal was approved.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. 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. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 36, noes 364, not voting 32, as follows:

[Roll No. 488]

AYES—36

Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Boehner
Campbell
Chaffetz
Coffman (CO)
Connolly (VA)
Flake
Foxx
Garrett (NJ)
Gohmert
Halvorson
Hensarling
Inglis
Issa
Johnson (IL)
Johnson, Sam
King (IA)
Lewis (CA)
Luetkemeyer
Mack
Marchant

Olson
Paul
Pence
Price (GA)
Shadegg
Souder
Thornberry
Tiahrt
Tiberi
Turner
Waters
Westmoreland

NOES—364

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
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Childers
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lummis
Lungren, Daniel E.
Lynch
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, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—32

Bilirakis
Broun (GA)
Brown-Waite, Ginny
Chandler
Clarke
Crowley
Cuellar
Delahunt
Edwards (TX)
Ellsworth
Engel
Frank (MA)
Grijalva
Herger
Honda
Jackson-Lee (TX)
Kennedy
Lamborn
Lee (CA)
Linder
Luján
Miller, George
Napolitano
Radanovich
Sanchez, Loretta
Sessions
Sestak
Shimkus
Smith (NJ)
Watson
Wexler
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1549

So the motion to adjourn 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. Mr. 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 produced 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 (New York Times/CBS News, Conducted June 12-16, 2009, Survey of 895 Adults Nationwide);

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 principle 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.' '' (''Pelosi's All Smiles through a Rough House Transition,'' 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.' '' (''Pelosi's House Diplomacy,'' 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.'' (''Hoyer Says Dems' Plans Unruffled by Approps Logjam,'' 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;

Whereas Congressional Democrats continue to curtail debate and the number of amendments offered to appropriations bills;

Whereas on June 18, 2009, the House Rules Committee reported H. Res. 559, a restrictive structured rule for H.R. 2918, the Legislative Branch Appropriations Act, 2010;

Whereas H. Res. 559 made in order just one amendment out of the 20 amendments originally filed;

Whereas on June 23, 2009, the House Rules Committee reported H. Res. 573, a restrictive structured rule for H.R. 2892, the Department of Homeland Security Appropriations Act, 2010;

Whereas H. Res. 573 made in order just 9 amendments, with a possibility for 5 more amendments, out of the 91 amendments originally filed;

Whereas on June 24, 2009, the House Rules Committee reported H. Res. 578, a restrictive structured rule for H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010;

Whereas H. Res. 578 made in order just 8 amendments, with a possibility for 5 more amendments, out of the 105 amendments originally filed; 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 preprinting requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

□ 1600

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.

PROVIDING FOR CONSIDERATION OF H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

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. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. 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 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 one of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; (4) not to exceed three of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (5) not to exceed one of the amendments printed in part E of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only by a Member designated in the report, 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 through E 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 the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without 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. 2997, 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.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 609 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona (Mr. FLAKE) and a Member opposed, the gentleman from Massachusetts (Mr. MCGOVERN), each will control 10 minutes of debate on the question of consideration.

After the debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

□ 1615

Mr. FLAKE. I thank the Chair.

Mr. Speaker, I raise this point of order not necessarily out of concern for unfunded mandates, although there are likely some in here. I raise a point of order because it's the only vehicle we've got to actually talk about this rule and this bill and how we are being denied the ability to actually offer the amendments that we would like to, to illuminate what's actually in this bill and how this is a break again from the hallmark and tradition of this House, which is to allow open debate on appropriation bills.

We've heard a lot about the sweeping reforms, particularly on earmarks, since 2007. Some of these reforms are good. Some of them—like requiring Members to put their names next to earmarks, requiring them to sign a certification letter that they have no financial interest in the earmark—are good reforms. They are reforms that many of us in this body have wanted for a long time. But we haven't drained the swamp. All we've done is we now know the depth of the mud that we're wading in, and we're simply not able to hold those accountable who should be held accountable. We have the transparency that we need, some of it, most of it; but with that transparency should come accountability. When you're denied the ability to offer amendments on the floor or are restricted in the number that you can offer, then you aren't able to use that transparency to any good effect.

In fiscal year 2007 during the appropriations process, I was able to offer 40 earmark limitation amendments. These were bipartisan, including eight to the Agriculture appropriations bill. In fiscal year 2008 I offered nearly 50 bipartisan amendments, including five to the Ag appropriations bill. Now last year only one appropriations bill even moved through the House under regular order, the Military Construction-VA appropriations bill. This bill was jammed together with a so-called minibus with the Homeland Security bill and the Defense bill. This came to the House under a closed rule. There were no amendments allowed at all. The remaining bills were jammed into a must-pass omnibus bill earlier this year. Only a handful of those were even reported out of committee. That meant that there were over 7,000 earmarks worth more than $8 billion air-dropped into this bill and not one limitation amendment, not one striking amendment, really not any amendments of any kind were even allowed on that bill. So we went through a whole year basically with virtually no amendments offered at all where these bills, these appropriations bills weren't even vetted.

So now we come to this year, and we're told we're going to get back to regular order, we're going to move appropriations bills one at a time and give Members the opportunity to offer limitation amendments. And what do we do? We close them down. The Rules Committee says, Okay, you've offered 12 amendments, maybe you can offer three of those amendments—you choose—on the floor. That's not real accountability. That's not the tradition of this House. That's not an open rule.

And when you see things like this—this is in Roll Call today—The Justice Department this week filed criminal charges against a defense contractor who has received millions of dollars worth of earmarks. Today's Roll Call. Today's Hill—Kickback charges against a defense contractor are putting people in this body, organizations here, in a hard position on whether to return campaign contributions back to the contractor charged with accepting kickbacks in return for earmarked dollars. And yet we're going to be considering the Defense appropriation bill later this month that will contain probably more than 1,000 earmarks from this body, most of them earmarks to for-profit companies, most of which will have executives who turn around and make campaign contributions to the Members who secured the earmarks for them.

Yet I would submit that the purpose of what we're going through now through these appropriation bills is to basically ready this body for the Defense appropriation bill, where people will be used to not offering amendments. Then where we would be able to illuminate a little bit on the floor at least where these earmarks are going, is it proper for this earmark to go to a for-profit company whose executives turn around and make campaign contributions to the Member who secured that earmark for them? Basically Members getting earmarks for their campaign contributors. Instead of being able to stand up and illuminate that, we'll likely be restricted to one or two amendments, or maybe none. That's what we're going through right now, and that's what it's going to lead to.

Now people say that nobody pays attention to process outside of this body or outside of this town. That's largely true. It's tough to score political points saying, The majority party simply won't allow amendments offered on the floor. People typically don't pay attention to bad process. But bad process always begets bad results or bad policy. We learned it on this side. When you hold a vote open for 3 hours—like we did the prescription drug bill vote—

and twist arms, you get a bad result. We added about $11 trillion in unfunded liabilities for future generations. We had several of those, which I think on this side we're probably not proud of. But I can tell you, we always held appropriation bills up, though, and allowed open rules and allowed Members to offer amendments even though it might have been uncomfortable for Members to hear what was being brought to the floor. A departure from that means that we're going to have bad results. We've seen that in the last year or so. When we've restricted the ability of Members to actually offer results, then we have Justice Department investigations because the proper vetting was not done.

Now I would wish—I think all of us would wish—that some vetting would be done in the Appropriations Committee, but sadly it hasn't been done. The chairman of the committee has said many times that they simply don't have the time nor the resources to vet all of these earmark requests, and I believe them. But if that is the case, the answer isn't to shut the process down. The answer is, don't bring the bill to the floor with so many earmarks in it. But here instead of doing that, we're saying, ''All right, we can't vet these earmarks, so we're simply going to close our eyes and pretend that these earmarks aren't there and not allow anybody to tell anybody that they're there. Let's not allow anybody to come to the floor and offer them.'' That is a bad process which leads to bad results.

Now make no mistake, as I mentioned, what we're going through now—I don't think the majority party or the minority party is so much concerned about how many amendments are offered to the Agriculture bill as they are about setting a precedent for what might come later with the Defense appropriation bill. Remember, that is the important one with regard to earmarks for campaign contributors. If we allow a process to develop here where we shield Members and shield earmarks by not allowing Members to challenge them on the floor, then we will get more headlines like this one in the paper today, headlines that we see over and over and over again which have led to investigations by the Justice Department, which have led finally to our own Ethics Committee, finally, hopefully having launched its own investigation. It is unbelievable to me that we have this going on on the outside, and yet we will still go through a process where we allow Members of Congress here to earmark for their campaign contributors. And instead of allowing Members to come to the floor and actually challenge some of those, we shut down the process so they can't. We close the rule so very few earmark amendments, limitation amendments, are even allowed.

With that, I reserve the balance of my time.

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

Mr. Speaker, just so there's no confusion, I want to remind my colleagues that we are dealing with the Agriculture appropriations bill and not the Defense appropriations bill or any other appropriations bill. This is the Agriculture appropriations bill.

Mr. Speaker, technically this point of order is about whether or not to consider this rule and ultimately the underlying bill. In reality, it's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself.

Mr. Speaker, the underlying bill that we want to consider here is a bill that provides food and nutrition to some of the most desperate people in this country. It's a bill that will provide much-needed help to farmers in rural areas all across this country. This is an important bill for a number of reasons, and I think it's wrong to try to delay this bill or block this legislation from coming to the floor. I hope my colleagues will vote ''yes'' so that we can consider this important legislation on its merits and not stop it on a procedural obstructionist motion.

Those who oppose this bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today. Mr. Speaker, I have the right to close; but in the end I will urge my colleagues to vote ''yes'' to consider the rule.

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

Mr. FLAKE. May I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. FLAKE. I thank the gentleman. I will talk specifically about the Ag appropriations bill. This bill has hundreds and hundreds of earmarks in it. I think there are maybe half a dozen total earmark limitation amendments that are allowed under this rule. That's simply not sufficient, Mr. Speaker. That's not sufficient. We should be allowing more. I understand the other side wants to hide the fact that 64 percent of the earmarks in this legislation are going to just 25 percent of the body, that the Appropriations Committee, which makes up just under 14 percent of this body, actually comes away with 56 percent of the earmarks.

I understand that those who are in charge of this legislation don't want that to be known, but it's still not right to limit the number of amendments that can be offered and to limit the time. So I would plead to not go forward with consideration of this bill under this rule.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I can appreciate the tactics that my friends on the other side of the aisle are employing right now to try to delay and obstruct this legislation from moving forward. But, as I said, this legislation is important. It's important to a lot of people. The food stamp program is funded in this bill, WIC, a lot of important nutrition programs, plus a lot of important aid to farmers who are struggling in this tough economy. This is an important piece of legislation.

Again, I want to urge my colleagues to vote ''yes'' on this motion to consider so we can debate and pass this important piece of legislation today. I would urge my colleagues to vote ''yes'' and enough of these obstructionist tactics.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 185, not voting 3, as follows:

[Roll No. 489]

YEAS—244

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)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
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
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
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
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)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Neal (MA)
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
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
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—185

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)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
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
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
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
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Napolitano
Sestak
Wittman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1652

Messrs. CALVERT, MACK, Mrs. MYRICK, Mr. EHLERS and Mrs. EMERSON changed their vote from ''yea'' to ''nay.''

Ms. VELÁZQUEZ and Ms. CASTOR of Florida changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. WITTMAN. Mr. Speaker, on rollcall No. 489, I was unavoidably detained. Had I been present, I would have voted "nay."

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

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlelady from North Carolina, Dr. FOXX. All time yielded for consideration of this rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

House Resolution 609 will allow this body to consider H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act.

Mr. Speaker, this is a good bill that deserves the support of every single Member in this body.

The chairwoman, ROSA DELAURO, Ranking Member JACK KINGSTON, the subcommittee members and their staffs worked tirelessly to craft a bill that provides critical funding for the needs of rural America, conservation programs and two areas that are very important to me, domestic and international food nutrition.

Mr. Speaker, this bill is not perfect. There are programs that I think should be funded at higher levels and other programs that should be reduced. Other colleagues undoubtedly have different priorities. But I believe that this bill is a solid, thoughtful, good compromise.

The FY 2010 Agriculture Appropriations Act makes three major investments. It protects Americans' public health with increases in food safety and funding for the Food and Drug Administration. It delivers critical funding and support for domestic and international food and nutrition programs, and it provides important assistance for rural America by providing funds for rural development, animal and plant health, broadband service, and conservation programs.

Mr. Speaker, this bill provides $22.9 billion for these critical programs. I should point out, less than President Obama's budget request.

With the economic crisis facing families across this Nation, the funding for rural America is more important today than ever. The rural development programs will create real opportunities for economic growth and development in small communities throughout our country. There is funding for rural housing, investments in rural businesses, and support for new community facility infrastructure. The funding for the Farm Service Agency and agriculture research is of vital importance as our farmers and ranchers continue to adapt their businesses into the 21st-century economy.

I particularly want to thank Chairwoman DELAURO for including critical funding for the eradication of the Asian long-horned beetle. This devastating insect has infiltrated my hometown of Worcester, Massachusetts, and surrounding towns. Because there is no natural predator, the only way to eradicate the insect is to eliminate the trees where they live. If this infestation is not stopped, you could devastate the hard wood forest of New England. This is an expensive but critically important endeavor and this bill provides significant funding for that effort.

Mr. Speaker, as we have seen over the past few years, America's food supply is simply not as safe as it should be. We have seen salmonella and E. coli outbreaks in various parts of this country. And the continuing importation of food from around the world means we need to have a vigilant and dedicated effort to protect our food supply from contamination.

This bill provides funding specifically for the inspection of meat, poultry and egg products. There is also critical funding to improve the safety of domestic and imported food and medical products. These programs alone make this bill worth supporting, and I commend Chairwoman DELAURO for her steadfast support of this work.

Finally, Mr. Speaker, and of great importance to me, are the programs that provide food and nutrition to millions of people here at home and around the world. This bill provides significant funding for SNAP, formerly called food stamps; for WIC, the Commodity Supplemental Food Program and International Food Aid, both P.L. 480 title II and the McGovern-Dole Food for Education and Child Nutrition program.

I have long believed, Mr. Speaker, that hunger here at home and around the world is a political condition, that we have the resources to end hunger; but we simply haven't mustered the political will to do so. This bill is a major step forward in that fight to end hunger.

Domestically, this bill fully funds the Women, Infants and Children, or WIC, program. This is a vital program that

provides healthy and nutritious food to pregnant mothers and their newborn children. The funding in this bill will help over 700,000 more women, infants, and children. That means over 10 million people will now be able to participate in this important program.

The bill also provides funding for the Commodity Supplemental Food Program, something the Bush administration never thought fit to fund, but which actually provides nutritious food to over 500,000 low-income women, infants and children and elderly people who struggle with high food costs. This bill also expands the CSFP participation into six States: Arkansas, Oklahoma, Delaware, Utah, New Jersey and Georgia.

The SNAP program, authorized in the farm bill, is funded through the FY2010 Agriculture Appropriations bill. This is one of the most important safety programs in the country. Low- and middle-income families who struggle to put food on their tables are able to turn to the SNAP program for help.

There are over 36 million people in this country who go without food during the year. Too often, families are forced to choose between rent, utilities, and food. SNAP allows families to receive funding so they can buy the food they normally wouldn't be able to afford.

Mr. Speaker, healthy, nutritious food is a right, not a privilege. The notion that we should turn our backs on people who cannot afford it is unfathomable. Millions of Americans needed this help even before the economic downturn.

Today, the number of hungry Americans will undoubtedly be higher than last year; and without SNAP, millions of Americans would go to bed hungry every day. I am proud of the program, and I congratulate the Speaker of the House and Chairwoman DELAURO in their support for this and other anti-hunger efforts.

Finally, I am pleased that there is a significant investment in the International Food Aid provisions funded in this bill. Many of my colleagues may not know that International Food Aid is funded in the Agriculture Appropriations bill.

□ 1700

But this bill thanks the leadership of Chairwoman DELAURO, increases funding for P.L. 480 title II by $464 million for a total of $1.69 billion.

This bill also increases funding for the McGovern-Dole program, increasing the total to $199.5 million. Based on our Nation's school meal program, the McGovern-Dole program provides food to millions of hungry kids at school, allowing children to receive both food and an education.

Mr. Speaker, this is a good bill. It funds the priorities of our Nation and it deserves our support.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Massachusetts for yielding me this time. While we often disagree on issues, it is clear that he is passionate about this issue.

Mr. Speaker, I come before you today deeply concerned about the closed rule we have before us. Throughout this appropriations season, the Democrat majority has taken unprecedented steps to silence both the minority and their own Democrat colleagues by offering all appropriations bills under closed rules. This has consistently eliminated the ability of Members to speak up for how their constituents believe their money should be spent.

But today marks a record in modern history. Today, the Democrat majority has gone even further by surpassing the number of restrictive rules ever offered during appropriations season in the House of Representatives.

Mr. Speaker, when Republicans were in the majority, the most regular appropriations bills considered under a restrictive rule in any single season was four in 1997 which was before my colleague, Mr. DREIER, was the chairman. Today, with the addition of this rule, the Democrat majority has exceeded that modern record.

After promising the American people during campaign season that this would be the most open and honest Congress in history, Speaker PELOSI has gone back on her word in the name of appropriations season by making this the most closed and restrictive Congress in history.

Instead of having their ideas heard, the American people are being silenced with Speaker PELOSI's justification that, We won the election, so we decide.

As my colleagues have expressed during the past four appropriations debates this season, bringing appropriations bills to the floor under a closed rule is unprecedented. It does an injustice to both Republicans and Democrats who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time.

By choosing to operate in this way, the majority has cut off the minority and their own colleagues from having any input in the legislative process.

Mr. Speaker, I urge my colleagues to vote ''no'' on this rule.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the Chair of the Agriculture Subcommittee.

Ms. DELAURO. Mr. Speaker, I thank the gentleman and appreciate him yielding me this time.

I want to say thank you to the ranking member of the subcommittee, Mr. KINGSTON, for his collaboration and input over the last few months. Our staffs have worked together effectively, and together we have crafted what I believe to be a very strong bipartisan bill.

In addition, I think this Agriculture-FDA Appropriations bill is a smarter, better piece of legislation thanks to the hard work of both the subcommittee and the full committee. We have looked at many, many different amendments that have come up over the course of the process of writing the bill, and together we have honed it into some very effective and worthy legislation.

We have had an open process throughout the subcommittee and committee markups. I believe this rule sets in motion what has been a fair process. I understand that close to 100 amendments were submitted to the committee. Clearly, my colleagues on the other side of the aisle have had an opportunity to speak their minds on these issues and have their amendments considered and made in order.

As it has in recent years, the bill focuses on several key areas, such as: protecting public health; bolstering food nutrition; investing in rural communities; supporting agricultural research; strengthening animal health and marketing programs; and conserving our natural resources.

The bill provides for $22.9 billion in funding, an 11 percent increase over the 2009 levels, the vast majority of which went toward three program areas: the WIC program, FDA, and International Food Aid. Additionally, in order to make these important investments and use the resources available to it wisely, the bill proposes a number of cuts totaling more than $735 million.

We protect the public health by providing a substantial increase for the Food and Drug Administration, almost $373 million, 15 percent above 2009, in an effort to hire additional inspectors and conduct more food and medical products inspection.

In addition, the bill provides over $1 billion for the Food, Safety and Inspection Service at the USDA.

Conservation. We know that conserving our natural resources, cleaner water, reduced soil erosion and more wildlife habitat is critical. The bill makes a significant investment in USDA's natural resource conservation programs by appropriating $980 million.

The bill rejects the administration's cuts to the Natural Resources Conservation Service's farm bill conservation programs, including the Wetlands Reserve Program, the Farm and Ranch Lands Protection Program, and the Wildlife Incentives Program.

In addition, the bill restores funding for other valuable programs, including the Resource Conservation and Development Program, and the Watershed and Flood Prevention Operations Program as well.

With regard to nutrition, to help those who are hit hardest by the economic crisis, the bill provides $681 million, a 10 percent increase for WIC, to serve our Nation's vulnerable populations and to support participation of 10.1 million people. The bill also includes record funding of $180 million for the Commodity Supplemental Food Program, or CSFP, and expands assistance to six new States: Arkansas,

Oklahoma, Delaware, Utah, New Jersey, and Georgia.

International Food Aid. The bill expands America's traditional commitment to International Food Aid by providing an increase of $464 million, a 27 percent increase, to P.L. 480, the United States' primary International Food Aid program. We also provided an additional $99.5 million to the McGovern-Dole International Food for Education and Child Nutrition Program, doubling that number from 2009.

In terms of rural development, the bill creates opportunities for growth and development of the Nation's small town economies. It increases funding for water and wastewater infrastructure by $73 million. There is $8.7 billion for housing, $541 million for community facilities, and $9.3 billion for the rural utility programs.

Increased funding for agriculture. There are significant investments in agriculture research: $1.2 billion for the Agricultural Research Service and $1.2 billion for the Cooperative State Research, Education and Extension Service. That funding increases the opportunity for key programs such as the Hatch Act, Evans-Allen, the new competitive Agriculture and Food Research Initiative, Smith Lever, the 1890 programs, and the Veterinary Medical Services Act.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. MCGOVERN. I yield the gentlelady an additional 1 minute.

Ms. DELAURO. With the continued volatility in the futures markets, the bill provides the administration's request for the Commodity Futures Trading Commission, $160.6 million, $14.6 million over 2009.

Finally, the bill includes language which has been carried since fiscal year 2008 which prohibits the use of funds in the bill to establish or implement a rule allowing the importation of processed poultry products from China. When USDA determined that the Chinese food system was ''equivalent'' to ours, it used a flawed process in making that determination and placed trade considerations above public health. Recognizing that, as well as the many problems that have been identified with the Chinese food safety system, it is important that the language remain in the bill.

In closing, I thank the Rules Committee for considering this important bill. I am proud of the work we have done. I urge my colleagues to support this rule.

Ms. FOXX. Mr. Speaker, I now yield such time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend from Grandfather community for yielding me the time, and appreciate her fine service to the Rules Committee.

Sadly, she is on the minority side presiding over another very, very sad day for Democrats and Republicans and the American people. Mr. Speaker, if we pass this rule today, we will again set a record. The record we will be setting is the largest number of restrictive rules for consideration of appropriations in the history of the Republic.

Now, in the past we have had restrictive rules that have come about after an open amendment has begun on the floor, and the Rules Committee has taken action. In 1997 it happened on four occasions, and we ultimately did in fact put into place restrictive rules.

This is the fifth rule for consideration of an appropriations bill. And so by virtue of the action that I suspect this House will take, we have to remember that the rights of the American people, not the rights of Republicans, the rights of the American people, Democrats and Republicans, all are being subverted with this process that is being put into place. In fact, it is a sad day because by virtue of taking this action, Mr. Speaker, what is happening is we are now setting the new norm. The new norm is a restrictive process shutting down the rights of Democrats and Republicans from having an opportunity to amend appropriations bills.

What I have here is a copy of the House Rules and Manual. And tragically, tragically as we look at this appropriations process, our colleagues are going to, 10 or 20 years from now, be looking at the Rules and Manual and the moniker ''open rule'' will be little more than a footnote in the history of this institution based on the pattern we have set forward.

I know that is all inside baseball, but the fact of the matter is it comes down to the effort being made by the majority to not only shut out Members of their own party, Republicans, but what is happening is we are preventing Members from having an opportunity to bring about any kind of reduction in spending. We know, with what we have seen under the actions of this Congress, what has happened, we spend too much, we tax too much, and we borrow too much. One of the things that has been great about the appropriations amendment process in the past has been simply that Democrats and Republicans could stand up and offer germane amendments that could bring about reductions in spending.

The gentleman from Ohio (Mr. JORDAN) has consistently gone up to the House Rules Committee, made an attempt to bring about some kind of opportunity for spending reduction. He has had very few opportunities to do that. It is denied again in this rule that is before us.

And so, Mr. Speaker, again it is a very unfortunate thing that when you look at the appropriations bills and see that the bill that we are considering up in the Rules Committee right now, the Foreign Operations bill, has a 33 percent increase. The Interior bill, a 17 percent increase. This Agriculture bill that we are considering the rule on right now, a nearly 12 percent spending increase.

Now the American people have sent a very clear message: They want to make sure they keep their jobs. They don't want to lose their businesses. They don't want to lose their homes. And they were promised by President Obama that if we passed a $787 billion stimulus bill, that the unemployment would not exceed 8 percent. Well, it is now 9.5 percent, and so I think the message may be getting through to some people who heretofore may have been supportive of an increase in spending, that maybe that is not the best way. And so I think Democrats and Republicans alike may want to have an opportunity to bring about some kind of reduction in these 17 percent increases, the 11 to 12 percent increases, the 33 percent increases, when they in their family budgets are trying to hold onto their jobs. And obviously, if they have lost their jobs or homes, they are faced with tremendous reductions in their own personal budgets.

We recognize there is a proper role for the Federal Government. Spending needs to take place, but we should not in any way be continuing down the road that we are, denying Democrats and Republicans an opportunity to bring about even the most modest of spending cuts.

I think of our friend, Mr. BROUN from Georgia, who regularly comes before us to offer a one-half of 1 percent cut in appropriations spending, and we deny him through this process, which is now unprecedented, never been done before in the 220-year history of the country, denied an opportunity to do just that.

□ 1715

And so, again, Mr. Speaker, I hope very much that we will follow the direction that Ms. FOXX is providing us in voting ''no'' on this rule so that we can come back and have what has been the tradition up until this process, and that is an open, free, and fair debate so that Democrats and Republicans and, through their elected representatives, the American people can finally be heard.

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

I would like to submit into the RECORD the Statement of Administration Policy on this bill in which the Obama administration strongly supports this bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 7, 2009.

(HOUSE RULES)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2997—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010 (REP. OBEY, D–WISCONSIN)

The Administration strongly supports House passage of H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010.

A strong, vibrant rural America is central to our country's future. The bill, as reported by the committee, makes important investments in infrastructure so economic progress does not bypass rural communities. The legislation provides the resources necessary to keep our food and our medicines safe and reliable. It provides critical support for farmers to continue the nation's leading role in feeding the world. This legislation also addresses chronic problems facing Americans, including poverty and nutrition and housing. It invests dollars in rural America for the benefit of all Americans.

In addition, the legislation responds to the President's call for investments in programs

that work while ending programs that do not. This legislation gives priority to merit-based funding in critical infrastructure programs. The Administration urges the Congress to continue to apply high standards to funding decisions so as to shape fiscally responsible policies that provide solid returns on the taxpayers' investments.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

ADMINISTRATION PRIORITIES

Expand Broadband Access. The Administration appreciates the Committee's support for the President's goal of increasing access to broadband. However, the President's request provided an increase in loan funding which the Committee moves into grants, resulting in a decrease in loan support of $132 million. This reduction will slow expansion of broadband into rural America.

Rural Revitalization. The FY 2010 Budget requested an increase of $70 million for rural revitalization grants. The Administration is disappointed that the Committee provides less than $10 million of the requested increase, including no increase for Secondary and Post-Secondary Education, Institution Challenge Grants, or the Quality of Life Program.

Renewable Energy. The Administration appreciates the support the Committee has provided to the United States Department of Agriculture's (USDA) Rural Business programs. However, the Administration urges the Congress to fund the Rural Energy for America program at the full requested amount. This program is necessary in promoting energy efficiency and renewable energy in rural communities.

Efficiencies and Cost-Saving Proposals. The Administration appreciates the Committee's support for some of the President's initiatives to terminate or reduce USDA programs that have outlived their usefulness, such as public broadcast grants to help the digital conversion, or that are duplicative of other USDA programs, such as high-cost energy grants. The Administration encourages the Congress to reconsider other proposals made by the Administration that would better target scarce resources and eliminate duplicative programs.

FOOD SAFETY AND INSPECTION SERVICE

The Administration is concerned with sections 723 and 724 of the bill which deal with food safety issues. The Administration would like to work with the Congress to address the issues raised by the Committee in a manner that would protect the Nation's food supply and be consistent with our international obligations.

FOOD AND NUTRITION SERVICES

The Administration is pleased with the Committee's support for strengthening nutrition assistance programs by including funding for food banks, community-based food providers, fully funding WIC, and by supporting a pilot initiative to help increase elderly participation in the Supplemental Nutrition Assistance Program.

FARM SERVICE AGENCY

The Administration appreciates that the Committee provides full funding to begin modernization of the Farm Service Agency's information technology network. Once completed, the multi-year stabilization and modernization plan, dubbed ''MIDAS,'' will allow the agency to provide program benefits in a more efficient, accurate, and responsive manner.

RURAL DEVELOPMENT

The Administration appreciates that the Committee funds the majority of Rural Development at the President's requested levels. However, funding for the Rental Assistance Grants falls $77 million short of the estimate needed to renew the expiring rental assistance contracts expected in FY 2010. The Administration urges the Congress to provide the full request of $1.1 billion, which will continue the support of rents for USDA-financed properties on behalf of the tenants who receive subsidized rent.

FOOD AND DRUG ADMINISTRATION (FDA)

The Administration appreciates that the Committee provides the request to strengthen the FDA's efforts to make food and medical products safer. This funding will allow FDA to work with domestic and foreign industry to develop new control measures for all levels of the supply chain, improve and increase risk-based inspections, and respond more effectively with rapid and targeted product tracing when problems do occur.

CONSTITUTIONAL CONCERNS

Consistent with the Executive Branch's long-standing views regarding section 713, the Administration notes that section 713 raises constitutional concerns under the Recommendations Clause and should be eliminated.

I will also point out that the bill that has been reported by the Appropriations Committee is less in terms of spending than what the Obama administration originally requested.

I would also say, and I want to say this very strongly, that I support the increases in spending in this bill because they're mostly in two areas, food safety and food security, making sure that the food that people buy in supermarkets is safe and making sure that people in this country who are hungry because of this lousy economic situation can have enough to eat, can put food on the table for their families.

We have a terrible situation in this country where the number of hungry people is in the tens of millions, and we can't just walk away from that. And my colleague talks about across-the-board cuts. Across-the-board cuts that make no sense and don't discriminate as to where they're going to cut means you're going to cut programs for food and nutrition that will literally take the food out of the mouths of hungry children. I don't want to do that.

This is a good bill. It has been worked on, I think, with great effort by both Democrats and Republicans, and I strongly support it.

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

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to my colleague from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentlelady from North Carolina.

It's interesting that the debate is about the bill and not the rule itself. My colleagues on the other side continue to fail to defend their idea that we ought to have a closed rule in this process and that the amendments that would make this bill better are somehow trivial and shouldn't be debated on this floor. One of those amendments that I offered would have actually had an impact on the spending.

My colleague from California talked about the opportunity to reduce spending in these bills. The theater, or the fiction that is associated with this process, Mr. Speaker, is that we will walk through some amendments later on to reduce spending in this bill. Should those pass, should 218 of us say we disagree with the hard work that the Appropriations Committee has done and want to reduce that spending, as we did with the $200,000 bicycle program recently at the end of June, that money still gets spent, Mr. Speaker. That money goes into the slush fund that allows the chairman of the Appropriations Committee to spend it in conference on deals that he wants to do, on rewards that he wants to make available to folks who have toed the line on the other side of the aisle.

The amendment that I would have proposed would have said that if 218 of us come to this floor and disagree with a particular provision in the bill that the Appropriations Committee has done, that money wouldn't get spent; that money would actually reduce the deficit. My colleagues on the other side are frightful of that issue because they're afraid, like on the $200,000 with the bicycle program, that the will of this Congress may be that we disagree with the appropriations process.

The Appropriations Committee does yeoman's work. They have a hard job to do in ferreting out priorities on spending. It's a job that I do not aspire to, but they should just get one bite at that apple. And my amendment would have simply said, Appropriations Committee, do the best work you can, bring that product to this floor, then allow the 435 of us, the rest of us who aren't on the Appropriations Committee, to have our say, to have the debate, to have the conversation about whether or not something is valid. And then if 218 of us disagree with the priorities that the appropriations process has set on this Ag spending, then that money simply would not be spent, they will not get a second bite at that apple.

But the Rules Committee, in their infinite wisdom, has said no, that's too complicated, that's too hard for this body to consider. And so, Mr. Speaker, as a result of that, I urge my colleagues to vote against this rule because it is flawed on its face.

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

The gentleman, my good friend from Texas, said he wants to talk about process and procedure, so let's talk about process and procedure.

The amendment he brought before the Rules Committee was a violation of the House rules. Even under a complete open rule on the House floor, it would have been subject to a point of order because it was legislating on an appropriations bill. So you want to talk about process, we'll talk about process. The gentleman's amendment would have been not in order under any process.

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

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to our colleague from Indiana (Mr. BURTON).

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, we have heard of the problems with the rule, but that's not the thing that really bothers me. What bothers me is how much money we're spending.

Since last October, this is what we've spent: $700 billion for TARP; $70.3 billion for CHIP; $1.16 trillion, that includes the interest, for the stimulus bill; $625 billion, which includes interest, for the omnibus bill; $125 billion for the war supplemental. The American people are struggling right now because of the economy, and we're spending money like it's going out of style.

This bill that we're talking about right now under this rule is going to have a $2.4 billion increase over last year. That's 12 percent. And if you compare that to fiscal year 2008, the budget that the programs under this bill operated under until passage of the omnibus in February, it's $4.8 billion more, or a 27 percent increase. And then they've also added $7.9 billion of emergency designated spending during the current fiscal year. Where in the world are we going to get this money?

The American people are starting to realize that there is going to be very high inflation down the road because we can't pay for this stuff, so they're printing this money down at the Treasury Department. And when you print more money and it's chasing the same amount of goods and services, you're going to have inflation, and it's going to be high inflation. We had it in the early eighties when it was 14 percent, and they had to raise interest rates to 21 percent to stop the inflationary trend. And that is what's going to happen again if we don't get control of the spending.

This is the wrong approach. We need to cut spending instead of keep blowing this money.

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

Ms. FOXX. Mr. Speaker, I would now like to yield 2 minutes to our colleague from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, the underlying bill contains an unnecessary and, I think, counterproductive provision banning the importation of poultry from China. The provision has no food safety basis but puts at risk American jobs and puts at risk at least $350 million of American poultry sales to China that that country will reportedly block in retaliation.

The gentleman from Georgia (Mr. KINGSTON) offered an amendment to strike this dangerous provision, but the majority refused, unfortunately, to make it in order. This provision will effectively close off a huge export market for our farmers while leaving unchanged the amount of poultry we import from China—zero, by the way—because of our already strong food safety protections.

Even America's poultry industry doesn't support this provision. Even those who would benefit, supposedly, don't support this provision. I would like to submit for the RECORD a letter from a wide range of associations opposed to this language because of the impact here on American jobs. The White House has registered concerns as well with the provision.

I support science-based oversight of food safety, but this provision will backfire. It will hurt American farmers without any impact on food safety. At a time when our country is struggling with the economy, this Congress taking actions that hurt American jobs and hurt American farmers is exactly the wrong way to go. This provision should be left out of the final bill.

APRIL 30, 2009.

Hon. BARACK OBAMA,
President, United States of America, The White House, Washington, DC

DEAR MR. PRESIDENT: We are writing to urge you to oppose any provisions in the annual appropriations bills that may be inconsistent with our trade obligations under the provisions of World Trade Organization (WTO) agreements. In particular, we urge your Administration to actively oppose a provision that would bar implementation of a U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) regulation governing the importation of cooked poultry products from China. We respectfully request that your Administration work with Congress to amend the Omnibus Appropriations Act of 2009 to eliminate the current application of this provision and to help prevent its inclusion in future Appropriations measures.

We agree that the U.S. Government must effectively regulate the safety and quality of food products sold in this country. However, to maintain the effectiveness and integrity of the food safety system, such regulations must be based on sound science and an appropriate risk assessment. Laws and regulations must also be crafted such that the U.S. does not ignore its international trade obligations—obligations that the U.S. Government has helped to develop and in particular, to prevent other countries from adopting protectionist, non-science based measures against U.S. food and agriculture exports under the guise of food safety. At a time when U.S. producers are seeking to sell their goods and services abroad during a difficult global economic crisis, it is vital that we uphold our trade obligations, lest we find access to vital overseas markets cut off to American products.

Section 727 of the Omnibus Appropriations Act of 2009 forbids funds from being used to ''establish or implement a rule allowing poultry products to be imported into the U.S. from the People's Republic of China.'' Similar provisions have been included in annual appropriations since FSIS issued a final rule on cooked chicken imports from China in 2006 and another prohibition is to be proposed for the bill for Fiscal Year 2010.

Section 727 and its predecessors effectively bar FSIS from conducting a necessary and appropriate risk assessment on whether imports of cooked chicken from China pose any risk to American consumers. Because the provision specifically targets imports from only one country, it conflicts with the U.S. obligation to treat trading partners equally. Indeed, the People's Republic of China has already filed a dispute settlement case against the U.S. at the WTO on this matter.

If there are concerns about the safety of cooked chicken imports from China—and we should note that this includes poultry that originates in the U.S.—they should be addressed through sound science in the regulatory channels, not through ad hoc legislation or appropriations bills. Section 727, however, precludes scientific analysis from being conducted, therefore adversely affecting U.S. credibility and potentially hindering U.S. market access overseas.

If the U.S. cannot uphold the basic rules of international trade, our trading partners may take similar actions against U.S. exports, which will ultimately harm American workers, farmers, businesses and the U.S. economy as a whole.

Respectfully,

Advanced Medical Technology Association, Agri Beef Company, AJC International, Incorporated, American Farm Bureau Federation, American Meat Institute, Animal Health Institute, Butterball, LLC, Cargill, Incorporated, DGM Commodities, Corporation, Edwards Lifesciences, Elanco, Emergency Committee for American Trade, Fieldale Farms Corporation, Grocery Manufacturers Association, Grove Services, Incorporated, Hormel Foods Corporation,

Interra International, Incorporated, JBS S.A., Keystone Foods, LLC, Kraft Foods, Incorporated, Maritime Products International, Mar-Jac Poultry, Incorporated, MetaFoods, LLC, Michigan Corn Growers Association, Monsanto Company, National Cattlemen's Beef Association, National Chicken Council, National Fisheries Institute, National Foreign Trade Council, National Meat Association, National Pork Producers Council, National Retail Federation.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to our colleague from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman from North Carolina. I'm sorry for throwing you off a minute ago. I certainly appreciate the time.

I speak against this rule, Mr. Speaker, simply because it's a closed rule. You know, we come here, 435 Members representing 300 million people all across the United States of America with different ideas, and we are about to vote on a $123.8 billion bill in which these 435 Members of Congress have different ideas of how to change it.

Now, you know the expression, you're dressed up with no place to go. That's what it's like being on the Appropriations Committee. Maybe even rehearsing for a dance, and when you get to the dance, you find out you're not even allowed to dance. Well, that's what happens.

Ms. DELAURO and I worked very closely over the last several months—and, indeed, over the last several years—working on agriculture issues. We have some sincere agreements, sincere disagreements, but we always have a dialogue going.

But now here, as we are in maybe not the home stretch, but at least the halfway point, we find out that the minority Members really can't participate today except for in a very narrowly focused gag rule. We submitted 90 amendments—we, Democrats and Republicans—in an effort to improve this bill, and of those, I believe 12 have been agreed upon. And of those, four are noncontroversial and five of them are a little bit superficial, if not routine.

I am just so disappointed in the fact that we can't get back to regular order. We have quoted DAVID OBEY, the chairman of the Appropriations Committee, many times on the House floor and his words to the effect that when he was in the minority, how disappointed he was.

And he pointed out that when we lose the rights of the minority, we lose the right to be called the greatest deliberative body left in the world.

We had a good debate in the Rules Committee, and I thank my friend, Mr. MCGOVERN, for facilitating that debate last night. And I don't believe that the Rules Committee made the final decision. I think the final decision was made down the hall by some staffers. I just believe that this really tight-lipped, ironclad straitjacket on debate is bad for the system, as Mr. OBEY lamented in 2006.

You know, there is a great line from ''Fiddler on the Roof.'' The star of it, I think his name is Tevye—I'm not sure, but I know these are the words. And he said in the song, ''If I Were a Rich Man,'' ''Lord who made the lion and the lamb, you decreed I should be what I am. Would it spoil some vast eternal plan, if I were a wealthy man?''

And so my question to my friends on the Rules Committee is, would it really spoil some vast eternal plan if you had an open rule? And you know the answer is certainly not. And you know that when we were in charge for 12 years, we had open rules—7 out of 12 years we had open rules on every single appropriations bill except for Legislative Branch. And as respects the Ag bill, we only had 1 year that we had a modified closed rule, and that was after 16 hours of debate.

So what is the vast eternal plan that we would spoil if we were allowed, in a representative democracy, an open rule? What would really happen? Is it that the philosophies of the majority are so fragile that they are like a card house, that if a Republican sneezed in the form of an amendment the whole thing would tumble down and the Pelosi empire would come crashing to the floor and be exposed for some bad and evil thing? I don't believe that's the case.

I think, frankly, that this body would do well with open rules and more debates. And I think it would foster a spirit of bipartisanship, because I think what we would find out is what most legislative bodies find out in State legislatures, that you've got good ideas from Republicans and good ideas from Democrats.

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

Ms. FOXX. I yield the gentleman 1 minute.

Mr. KINGSTON. I thank the gentlewoman.

If you think about it, Mr. Speaker, some of the good ideas of Democrats melding—cross-pollination now—with good ideas of Republicans and good ideas of Independents, I think that would be a very healthy thing. And then this bill would go out of this Chamber to the other body, which we know has no good ideas whatsoever—just joking there. A little levity on the House floor is okay.

The point is we could get together as Democrats and Republicans on the House floor and then go debate the Senate, and maybe our ideas would prevail. And those ideas wouldn't necessarily be branded as Democrat or Republican, but they would be branded as American ideas, and they would be of a representative democracy.

So I hope we will vote this rule down and send it back to the Rules Committee, and then we will challenge that vast eternal plan—maybe not the one of the Democrat Party, but maybe the one of our forefathers—that envisioned open debate in an open society as an underpinning of democracy.

□ 1730

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much, Mr. MCGOVERN, for yielding.

Mr. Speaker, I rise in support of the rule and in support of the underlying bill.

I wasn't going to speak on it, but it just gets bothersome sometimes to see how much time we spend on debating a rule. I mean, this process is very open. There's no other process in the world that is as open as the process inside Congress. And to say that you're denied access to the hearings that set up the bill, to the markups, all of these things are very open.

I served for 13 years in the California legislature, a full-time professional legislature. We didn't have rules for each debate that we were going to conduct on the floor. So in all the years I have served in Congress, I have never been asked how did you vote on a rule or was the rule an open rule or a closed rule or whatever. These are pretty esoteric terms of inside Congress. And to suggest that that process is denying people access to a process to make a law and decide how to spend money on the U.S. Department of Agriculture and the Food and Drug Administration, I think, is an exercise in a little bit of futility.

The substance underlying here is very good. It's about how we spend the money, taxpayers' money, on these agencies that are responsible for overseeing our food safety, for overseeing the incredible array of agriculture that we have in this country unlike any other country in the world. The diversity is incredible. Just the county I represent grows 85 different crops. I don't think there's another county in the United States or the world that grows 85 different crops, $3 billion in sales. So all fresh fruit and vegetables, things that you're eating in your salad today, a lot of it harvested by immigrants. It's an amazing thing because the Department of Agriculture also does the rural infrastructure, rural electric, rural water, rural farm work, farm worker housing and things like that, kind of the essence of a culture of a rural community. Broadband communication systems.

We have a very competent chairwoman, and she has brought a great bill to the floor, and I ask that you support the rule.

Ms. FOXX. Mr. Speaker, the majority party, because they bring bills to the floor, amendments to the floor at 3 a.m. and Members have no time to read the bills, have effectively taken away the opportunity to read bills before we vote on them. And now to suggest that it's a waste of time to debate the bill is really taking this, I think, to an extreme. So I certainly hope that that idea doesn't catch on along with the idea of not letting people read the bills before they vote on them.

Mr. Speaker, I would now like to yield 2 minutes to my colleague from New York (Mr. LEE).

Mr. LEE of New York. I want to thank my friend for the time.

Mr. Speaker, I rise to oppose the rule for H.R. 2997.

Over the last year, the rapid decline in the price of milk has had a devastating impact on family farms in my district and throughout the Northeast region. This year farmers have reported receiving less than $11 per hundredweight for their milk, which is less than the $17.50 per hundredweight it costs to produce it. This gap is a killer for our dairy farmers and will lead to huge job losses in my region.

Dairy farmers in Livingston County, New York, are projected to lose more than $23 million this year. In Wyoming County, New York, losses are projected at $28 million. And in Genesee County, over $60 million.

I cannot emphasize enough how important dairy is to the western New York region. It is the Nation's third largest dairy State, generating over $2 billion in milk sales annually. More than 145,000 jobs in transporting, processing, and marketing milk are directly attributable to the region's dairy industry.

That is why I offered two commonsense proposals to help our struggling dairy farmers, including one to enhance the Milk Income Loss Contract program and another to raise the dairy product support price. This would help ensure our struggling dairy farmers can remain viable in these tough economic times.

Mr. Speaker, I regret that my amendments were not accepted. Our failure to act is reckless. Our dairy farmers are running out of time.

I urge my colleagues to vote down the rule so we can give this crisis the attention it deserves.

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

I want to respond to the gentleman from New York's comments. I realize that he's new, but the fact is that both of his amendments would have been a violation of the House rules even under an open rule. The gentleman was legislating on an appropriations bill. There are other ways for him to get his point across.

I share his concerns on the dairy issue. I come from a New England State. But the fact of the matter is

that even under an open rule, his amendments would have been ruled out of order because they're legislating on an appropriations bill.

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

Ms. FOXX. Mr. Speaker, I want to thank my colleague from New York for raising the issue of the plight of dairy farmers in particular. All across my district, we see farmers of all types going out of business, but particularly hard hit are the dairy farmers. And there is no tougher type of farming than dairy farming in this country. My husband and I have done a lot of farming in our lives. We've never had a lot of cows, but we both grew up milking cows. And believe me, that is the toughest work in the world. You've got to be there every day, all day, and these folks are really struggling to stay in business. And the sad part about it is that with the cap-and-tax bill that passed last week and so many of the other policies of this administration and this Congress, we are going headlong into putting a lot of our farmers out of business, particularly the dairy farmers.

Again, the implication here is that we ought not to be spending a lot of time talking about the problems that we're facing in this country and that agriculture is facing, that all of our citizens are facing. But the Democrats in charge want to limit what ideas can be debated on the floor and what constituents can be represented in this House.

Our constituents in both Republican districts and Democrat districts are struggling to make ends meet, are facing unemployment, and yet are being shut out of participating in a debate over how their hard-earned taxpayer dollars are being borrowed and spent by the Federal Government.

It is a mystery as to why the majority is blocking debate on such important legislation. What are they afraid of? Are they protecting their Members from tough votes? Are they afraid of the democratic process? It's hard to know why they're doing it.

The Speaker has gone back on her word about making this the most open process in the world. Is she afraid that the American people will disagree with her? Is she keeping other Democrats from having to make tough decisions on difficult votes? Is she afraid of the very principles upon which our country is founded? We are very concerned, again, with the direction in which this Congress is going as far as the rules are concerned.

During the Independence Day break, I was at home. I went to a lot of functions. I spoke to my constituents. I spoke to hundreds of them. They told me over and over and over again how concerned they are about the direction this country is going. They used the word ''frightened'' over and over again. I talked to my colleagues on both sides of the aisle, and they say they are hearing the very same things from their constituents at home. They are concerned about the amount of money that's being spent by this Congress, the policies that this administration is taking, and the direction in which they are moving.

We know that the Democrats have proposed spending $1.89 trillion of American taxpayer money for discretionary government programs in the 2010 fiscal year. When all appropriation spending is combined, the Democrats have increased nondefense, nonveteran discretionary spending by 85 percent over the last 2 fiscal years. With millions of jobs lost since the passage of the stimulus, the President said this morning ''there is nothing we would have done differently concerning the $787 billion spending bill.''

But that spending bill, which is really a trillion-dollar spending bill because of the cost of the bill, isn't creating the jobs Democrats promised. Even the Vice President said over the weekend this regarding the bill's poor returns: ''The truth is we and everyone else misread the economy.''

Well, no, not everyone else did that because Republicans all voted against the stimulus bill. You aren't going to hang that around our necks, Mr. Vice President.

House Democrats now want to spend another trillion dollars on a government-run health care bill after they have just crammed through a national energy tax.

At the same time, House Republicans are being denied the opportunity to offer cost-cutting amendments to save taxpayer money. Many Republican proposals could save billions in wasteful government spending and better prioritize how Washington spends taxpayer funds. But these ideas are being shut down. This is not the way to operate the greatest deliberative body in the world.

I am going again to suggest to my colleagues that they vote ''no'' on this rule because this is not the way we should be going.

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

Mr. McGOVERN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

MOTION TO ADJOURN

Ms. FOXX. Mr. 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.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 35, nays 368, not voting 29, as follows:

[Roll No. 490]

YEAS—35

Bartlett
Boehner
Broun (GA)
Campbell
Chaffetz
Clay
Coffman (CO)
Connolly (VA)
Flake
Foxx
Garrett (NJ)
Gutierrez
Halvorson
Hensarling
Inglis
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Lamborn
Marchant
McHenry
Miller, Gary
Olson
Paul
Pence
Price (GA)
Rangel
Shadegg
Shimkus
Taylor
Thornberry
Tiahrt
Westmoreland
Young (AK)

NAYS—368

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
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)
Carter
Castle
Castor (FL)
Chandler
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
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
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan

Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
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
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—29

Ackerman
Andrews
Barton (TX)
Bean
Bishop (GA)
Cassidy
Childers
Clarke
Cummings
Doyle
Franks (AZ)
Fudge
Gohmert
Granger
Hinojosa
Moran (VA)
Rush
Ryan (OH)
Sánchez, Linda T.
Schock
Sestak
Souder
Speier
Stearns
Sullivan
Sutton
Wasserman Schultz
Watt
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 5 minutes remaining in this vote.

□ 1805

Messrs. DANIEL E. LUNGREN of California, TIERNEY, HASTINGS of Florida, LEE of New York, and LATHAM changed their vote 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. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. There are 17½ minutes remaining in debate.

Ms. FOXX. Mr. Speaker, I would now like to yield 2 minutes to my colleague from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker and my colleagues, I just want to take a couple of minutes of the House's attention on this rule. I'm not a happy camper tonight because my amendment was not accepted as part of this rule.

I have the honor and privilege of representing not only suburban and urban areas in central Florida, but I have some rural areas. Maybe you have some rural areas. I asked for a simple amendment to assist my potato farmers. Now you wouldn't think in Florida of potato farming being a big industry; but in part of my district and rural area, we had an incredible disaster hit several months ago. We had 25 to 30 inches of rain over several days, and it wiped out the potato crop. Have you ever seen rotten water-sogged potatoes? These are rotten water-sogged potatoes.

Now this may not mean a lot to many of the folks on the Rules Committee, but we've had a custom in the House of helping Members when they have a disaster in their district. I had a disaster in my district. This isn't affecting me personally. We're talking about $45 million not that I even need appropriated, just that I need a small adjustment to get to these potato farmers, who are losing their livelihoods, who are closing down their farms.

Again, we had a disaster in my district. I asked for an amendment—one of many that were rejected—to give a little bit of leeway to farmers in central Florida who will lose their businesses, not be able to employ people, not to be able to have the money to plant the crops so next year they won't be in business. That amendment was rejected summarily by the Rules Committee. So I'm not a happy camper.

Now I thought of coming out here and calling a motion to adjourn after every bit of business that went on here in the House. I didn't do that. I still may take that option, I'm telling you, because I have people that don't have jobs, don't have the possibility of continuing their farm business. I have asked for a simple change, not more money—the money's there—but to allocate money through some of the existing programs so they can get the money now to put people to work, save their crops and save the next crop. I didn't get that cooperation, so I'm not a happy camper.

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

I appreciate that the gentleman is not a happy camper, and my sympathies go to his district for what it's going through. But as he knows, this is an appropriations bill. What he was doing was attempting to legislate on an appropriations bill, which would have been subject to a point of order under any circumstances. So maybe the gentleman could work with the appropriate committee to try to resolve this issue. I surely would be willing to try to help him. But on this bill his amendment would have been made out of order under any circumstance.

I have no further speakers other than me. I would yield to the gentlelady to close, and I reserve the balance of my time.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 3 minutes remaining.

Ms. FOXX. Mr. Speaker, the American people know that in these tough economic times, they should save, not spend money. However, the Federal Government does not reflect the common sense I see throughout my district. Instead, the Democrats in charge continue to borrow more and spend more, increasing our Federal deficit on the backs of our children and grandchildren. The bill facing us after this rule is a 12 percent overall increase in funding from last year's bill. The U.S. national deficit is currently $11.5 trillion. With over 300 million people in the U.S. today, each citizen's share of this debt right now is $37,500. This bill will increase the deficit even more by borrowing and spending money we do not have. The majority can no longer blame the deficit and economic difficulties today on the previous administration. The Democrats in charge have shown they do not care about the deficit by continuing to dig America into a bigger and bigger hole with more reckless spending. This borrowed money is all being spent by Speaker PELOSI, the Obama administration; and as a result, the unemployment rate continues to rise, and the deficit continues to skyrocket. There are 322 earmarks tucked into this bill, totaling $220 million in borrowed money for pet projects. The bill contains $1.3 billion in grant funding, awarded solely at the discretion of the administration.

Mr. Speaker, there is an article today in Politico that says that we have a train wreck in this country because of out-of-control Federal budget deficits. I would like to include that in the RECORD today.

I'm going to urge my colleagues to vote ''no'' on the previous question so I can amend the rule to allow all Members of Congress the opportunity to offer his or her amendment to the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill under an open rule.

I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Again, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule.

I yield back the balance of my time.

□ 1815

Mr. MCGOVERN. Mr. Speaker, we need to pass this rule and we need to pass this bill. This is a bill that provides funds to protect public health, moneys for the Food and Drug Administration, and it funds hunger and nutrition programs including fully funding WIC. There is money in here for rural development, conservation, oversight, and enforcement.

Let's be clear, Mr. Speaker, the reason why we need this bill is in large part due to the 8 years of Republican neglect and indifference on a lot of these issues. More people in America today are hungry than a year ago. And I will tell the gentlelady from North Carolina that yes, there are increases in this bill, although it still comes in under the requests of President Obama, but there are increases in this bill, especially to help deal with the fact that so many in this country can't afford to put food on the table.

I will also say to the gentlelady that these aren't just homeless people or these are not just people without jobs. These are increasingly working families, people who are working who can't afford to put food on their table in the United States of America, the richest country on this planet. That is shameful. And globally, because of a lack of leadership over the last 8 years, over 1 billion people are hungry. That may not bother some of my colleagues on the other side of the aisle, but it bothers me, it bothers my constituents, and it bothers the American people.

My friends can complain all they want, but it won't feed a single hungry child. My friends can try all the obstructionist tactics that they want, but it won't save a single rural family farm. The American people want relief. They want us to provide a helping hand. I think too many of my friends on the other side of the aisle seem to me more interested in delaying, obstructing, and killing important legislation than advancing it. That may be the advice of some high-priced political consultant at the Republican National Committee, but it is a bad way to serve the American people.

Our side has repeatedly tried to reach out and reach an accommodation on debate and on amendments with the minority, only to be rebuffed.

Mr. MICA. Will the gentleman yield?

Mr. MCGOVERN. No, I will not.

Be that as it may, our job as the majority party is to do the business of the American people, and passing this legislation is a part of doing that job.

I urge my colleagues to vote ''yes'' on the previous question, ''yes'' on the rule, and ''yes'' on the underlying bill.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 609 OFFERED BY MS. FOXX OF NORTH CAROLINA

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. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. 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 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 form 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.

[July 8, 2009]

ECONOMIST DECLARES ''TRAIN WRECK''

(By Victoria McGrane)

If you thought last week's job numbers were bad, take a look at the latest from Morgan Stanley's chief economist, Richard Berner.

In a research note that's been making the rounds of economics blogs this week, Berner declares that ''America's long-awaited fiscal train wreck is now under way.''

By ''train wreck,'' he means out-of-control federal budget deficits that he's sure will finally drag the economy under—as if we weren't already feeling badly enough about its shaky state.

''Depending on policy actions taken now and over the next few years, federal deficits will likely average as much as 6 percent of [the gross domestic product] through 2019, contributing to a jump in debt held by the public to as high as 82 percent of GDP by then—a doubling over the next decade,'' Berner writes on Morgan Stanley's online Global Economic Forum.

''Worse, barring aggressive policy actions, deficits and debt will rise even more sharply thereafter as entitlement spending accelerates relative to GDP. Keeping entitlement promises would require unsustainable borrowing, taxes or both, severely testing the credibility of our policies and hurting our long-term ability to finance investment and sustain growth,'' he adds. ''And soaring debt will force up real interest rates, reducing capital and productivity and boosting debt service.''

''Not only will those factors steadily lower our standard of living,'' Berner concludes, ''but they will imperil economic and financial stability.

Mr. MCGOVERN. 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.

Ms. FOXX. Mr. 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 on House Resolution 609 will be followed by 5-minute votes on adopting that resolution, if ordered; and suspending the rules and adopting House Concurrent Resolution 142, if ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 183, not voting 10, as follows:

[Roll No. 491]

YEAS—239

Abercrombie
Ackerman
Adler (NJ)
Altmire
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
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
Farr
Fattah
Filner
Foster
Frank (MA)
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
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
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—183

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
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
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
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
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
Schwartz
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Andrews
Fudge
Hinojosa
Holden
Matheson
Miller, Gary
Moran (VA)
Price (NC)
Sánchez, Linda T.
Sestak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1837

Ms. GRANGER changed her vote from ''yea'' to ''nay.''

Mr. KRATOVIL changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

HAPPY BIRTHDAY, JOHN DINGELL

Mr. HOYER. Mr. Speaker, my colleagues, I have two duties that I want to perform tonight. One is a very happy one, and I will do that first.

This institution has existed for a little over 200 years. One who sits among us has served for a quarter of that time. He is a historic figure. He is one of the most masterful legislators that ever has served in this body. He is a man of great integrity, intellect and, as I said, legislative skill.

He has chaired one of this Congress's and this House's most important committees with broad jurisdiction and has dealt with matters across the spectrum of the jurisdiction of that committee. But 25 years from now, when he retires, he will be remembered most for his leadership on health, on health care for all Americans, on a passion to ensure that each and every American has the availability of affordable, quality health care. We are engaged in that issue on a bill that will be sponsored by this gentleman.

Today, he is 83 years of age, 83 years young. My colleagues, as all of you know, JOHN DINGELL is revered by many, feared by some, respected by all.

Let me now yield to my colleague and friend, the Republican leader, Mr. BOEHNER.

Mr. BOEHNER. Let me thank my colleague for yielding and say, JOHN, that there's hardly a Member in this entire body that is more respected than you, because while you can be a fierce partisan, many of us know that you are someone that we can work with, and we have worked with, and there is a lot of mutual respect.

On behalf of all of our colleagues, JOHN, we love you and want to say happy birthday to you.

And while you are all standing, I have done this once before, it probably doesn't comply with the rules of the House, but for those of you who don't know the BOEHNER birthday song, the second verse is exactly like the first verse.

This is your birthday song. It doesn't last too long. Hey.

All right, everybody, ready. This is your birthday song. It doesn't last too long. Hey.

Happy birthday.

Mr. HOYER. Mr. Chairman, I know that every Member would, if we were going to take the time, rise to express their deep affection and respect and admiration for you, my friend. And I count it a great honor that you have been my friend for every year that I have served in the Congress, and I am looking forward to being with you for a long time to come.

HONORING SALLY CROWE

Mr. HOYER. Now, ladies and gentlemen, I said I rose for two purposes, one was happy. Obviously, that was the happy one.

I came to Congress 29 years ago. JOHN DINGELL came to Congress 53 years ago. Sally Crowe came to Congress 57 years ago. You may not know Sally Crowe by name, but you know Sally Crowe.

Sally Crowe was the hostess who greeted all of us in the House restaurant. She was a wonderful spirit. She died while we were on break this month. She died after having had a very substantial fall. And others may have retired, as she surely could have. She chose not to retire, however, and she returned to the place that she loved and served so well.

We are all advantaged by those who are not known widely outside this institution, but who served this institution with a devotion to country, devotion to the institution, and devotion to each and every one of us and, in Sally's case, to the guests who came and visited with us and ate with us in the dining room or were visitors here and ate there.

She was courteous, kind, respectful, affectionate. I will remember Sally with great affection. Her family lives in my district.

I want to say on behalf of all of us to her family how much we appreciated her love, her service to us and to her country; and I want to yield to my friend, ZACH WAMP of Tennessee.

□ 1845

Mr. WAMP. I thank the leader, and on behalf of our side, we all rise to honor Sally's extraordinary life and service.

I think there is nothing we can do more than to serve those men and women in the uniform of our armed services, and Sally thought there was nothing she could do greater than to serve us. And she did that for 57 years.

She died at 92, and she didn't like to talk at all about how long she had worked here or how old she was. She was Irish to the core, and she loved her Irish blood. She was feisty, beautiful, always pleasant.

Many of you remember John Corbin who was her senior partner. He had 2 years seniority on her, and he passed a couple of years ago. And no one really ever got out of him how long he had been here except he had been here 2 years longer than Sally, and now we know that he literally served 57 years and he passed 2 years ago. He would leave the Members' Dining Room and go work the post office all the way through his life, and lived almost as long as Sally, and she worked and wanted to work as long as she could breathe.

She came here at 4:30 in the morning every day to beat the traffic. She was a creature of habit. She would sit there and wait for us to come in the morning. And I have to tell you, every one of you, the angels in Heaven are fascinated to be talking to Sally today. They are fascinated because she loved us and loved this House for 57 years. And we rise to honor her beautiful life. And her daughters today I hope will know that the full House appreciates Sally Crowe's life and service to us.

Mr. HOYER. I want to thank my friend, ZACH WAMP, for his memory of Sally and his expression of love on behalf of all of us.

Sally was awarded the John W. McCormack Annual Award of Excellence for Service to the House. Without Sally Crowe, life in this building would have ground to a halt in many respects. Now it won't grind to a halt, it won't grind to a halt because we are advantaged by so many who care for this institution. And we thank them all.

But today, we remember a wonderful, decent, good, loving human being, our friend, Sally Crowe. God rest her soul.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

MOTION TO RECONSIDER

Mr. MICA. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered on the resolution, H. Res. 609.

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.

RECORDED VOTE

Mr. MICA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 175, noes 251, not voting 6, as follows:

[Roll No. 492]

AYES—175

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
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)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
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
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—251

Abercrombie
Ackerman
Adler (NJ)
Altmire
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
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
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
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)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Andrews
Fudge
Granger
Hinojosa
Schwartz
Sestak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in the vote.

□ 1856

Messrs. ROTHMAN of New Jersey and ADLER of New Jersey changed their vote from ''aye'' to ''no.''

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 492, had I been present, I would have voted "no."

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.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 238, nays 186, not voting 8, as follows:

[Roll No. 493]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
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
Farr
Fattah
Filner
Foster
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
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
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)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
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
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

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)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
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
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
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)
Snyder
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Andrews
Fudge
Granger
Hinojosa
Jackson-Lee (TX)
Sestak
Stark
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1904

So the resolution was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. MICA. Mr. Speaker, I move to reconsider the vote on adoption of the resolution.

The SPEAKER pro tempore. The question is on the motion to reconsider the vote by which House Resolution 609 was adopted.

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

RECORDED VOTE

Mr. MICA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 8, as follows:

[Roll No. 494]

AYES—170

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
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
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
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
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Nye
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
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—254

Abercrombie
Ackerman
Adler (NJ)
Altmire
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
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)
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)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
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)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
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
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—8

Andrews
Fudge
Granger
Harman
Hinojosa
Meeks (NY)
Sestak
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1912

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3081, DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–193) on the resolution (H. Res. 617) providing for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–194) on the resolution (H. Res. 618) providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 142.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 142.

The question was taken.

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

RECORDED VOTE

Mr. CONAWAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 12, as follows:

[Roll No. 495]

AYES—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
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)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
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
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
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
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
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)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
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
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
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
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)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
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
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—3

Flake
Kingston
Paul

NOT VOTING—12

Andrews
Cleaver
DeFazio
Fudge
Granger
Hinojosa
Melancon
Murtha
Sestak
Tanner
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1920

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. MICA. Mr. 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. MICA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 41, noes 369, not voting 22, as follows:

[Roll No. 496]

AYES—41

Bartlett
Barton (TX)
Blackburn
Boccieri
Boehner
Broun (GA)
Campbell
Chaffetz
Coffman (CO)
Connolly (VA)
Flake
Foxx
Garrett (NJ)
Gingrey (GA)
Gohmert
Halvorson
Hensarling
Johnson (IL)
Johnson, Sam
Kilroy
King (IA)
Lamborn
LaTourette
McHenry
Mica
Miller, George
Olson
Paul
Pence
Price (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Thornberry
Tiahrt
Westmoreland
Young (AK)
Young (FL)

NOES—369

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
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
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
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
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
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
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth

NOT VOTING—22

Andrews
Berry
Buyer
Childers
Dicks
Fudge
Granger
Gutierrez
Hinojosa
Linder
Maloney
Matsui
Melancon
Murtha
Peterson
Sestak
Sires
Sullivan
Tanner
Tierney
Weiner
Woolsey

□ 1936

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2997.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 609 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. 2997.

□ 1937

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. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, with Mr. SNYDER 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 gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Georgia (Mr. KINGSTON) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

I'm delighted to present the 2010 Agriculture-FDA appropriations bill. I want to thank the ranking member, Congressman KINGSTON, for his collaboration and his input over the last few months. I thank both the minority and majority staff as well for their tireless work. Lastly, and especially not least, a special thank you to Chairman OBEY for his counsel and for the resources he provided to make this bill possible and for his leadership and vision to ensure that we can continue to get things done and achieve our goals.

We stand today at a turning point. Today, we're talking about people's lives—struck hard by an economy in chaos, facing shrinking services and struggling with rising prices and unemployment.

I believe the administration's budget demonstrates that it is interested, after years of underinvestment in the Federal Government's capabilities, in protecting public health, supporting American agriculture, strengthening rural communities, and conserving the environment.

This bill proposes new investments in these priorities and the agencies that can help us meet them, while making specific and sensible budget cuts where feasible.

As in recent years, the bill focuses on several key areas, such as: Protecting public health; bolstering food nutrition programs; investing in rural communities; supporting agriculture research; strengthening animal health and marketing programs; and conserving our natural resources.

The fiscal year 2010 Agriculture-FDA appropriations bill provides for almost $23 billion in funding. It is an 11 percent increase over 2009 levels, the vast majority of which went toward three program areas: The WIC program, the FDA, and International Food Aid. Additionally, in order to make these important investments, to use the resources available to it wisely, the bill proposes a number of cuts totaling more than $735 million.

To protect the public health, the bill provides a substantial increase for the Food and Drug Administration to support a total discretionary funding level of almost $3 billion, or a 15 percent increase—almost $373 million. That is to hire additional inspectors, conduct more inspections of domestic and foreign food and medical products. And, as many of us know, the FDA has been underfunded for far too long. This is not only a matter of public health and consumer safety, it is a matter of national and economic security.

Not all of the dangers that threaten the health and safety of American families can be found in airports, border checkpoints, or harbor containers. Sometimes they lurk in our refrigerators and on our kitchen table. From E. coli in cookie dough to salmonella in peanut butter, we have seen very real threats posed by food contamination in recent years. And we just cannot afford to neglect our food safety system any longer.

The FDA's primary responsibility is to the American people to ensure the safety of the food they eat, the drugs they take, and the medical devices they rely on. With this increased funding, they will have the resources and manpower they need to keep us safe.

In addition, the bill fully funds the administration's request for the Food Safety and Inspection Service at the USDA, the Department of Agriculture. It puts in over $1 billion dollars for FSIS for the first time in history.

In terms of conservation, the committee makes a significant investment in USDA's natural resource conservation programs. The bill appropriates a total of $980 million for this purpose—a $73 million increase over the administration's request.

The bill rejects the administration's cuts to the Natural Resources Conservation Service's farm bill conservation programs, which include the Wetlands Reserve Program, the Farm and Ranch Lands Protection Program, and the Wildlife Incentives Program.

It restores funding for other valuable programs, including the Resource Conservation and Development Program and the Watershed and Flood Prevention Operations Program.

In the area of nutrition, the bill works to improve nutrition and help those hit the hardest by the current economic crisis. Food costs and participation in WIC continue to increase at dramatic rates. And the bill provides $7.5 billion for WIC to serve our Nation's vulnerable populations—10 percent above last year—to support participation of 10.1 million people.

WIC is a program that we simply cannot afford to underfund any longer, particularly given the gravity of the current economic climate. Our fundamental responsibility as legislators and as leaders, to say nothing of basic morality and fairness, demand that we do everything we can to help Americans suffering right now from poverty and malnutrition.

In the area of international food aid, the bill expands America's traditional commitment to international food aid by providing an increase of $464 million to the P.L. 480 Title II Grants Program. We also provide an additional $99.5 million to the McGovern-Dole International Food for Education and Child Nutrition Program.

In the area of rural development, the bill creates new opportunities for growth and development in the Nation's small town economies by increasing funding for water and wastewater infrastructure grants by $73 million; provides $8.7 billion for housing; $541 million for community facilities; and $9.3 billion for the rural utility programs.

In research, the bill makes significant investments in agricultural research: $1.2 billion for the Agricultural Research Service; nearly $1.2 billion for the Cooperative State Research, Education, and Extension Service. That money is allocated to such programs as the Hatch Act, Evans-Allen, the new competitive Agriculture and Food Research Initiative, Smith Lever, the 1890 programs, and the Veterinary of Medical Services Act.

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With continuing volatility in the futures market, the bill provides the administration's request for the Commodity Futures Trading Commission, the CFTC, $160.6 million—$14.6 million and 10 percent above 2009—in order to better secure the markets from improper speculation. Just yesterday the CFTC moved to stem heavy speculative trading in the oil, natural gas and energy markets. With this increased funding, the Commission will be better poised to ensure market integrity for all honest brokers.

In closing, I look forward to working with all of you today as we work to craft responsible agriculture legislation that alleviates short-term suffering, encourages long-term growth, invests in our future and reflects our priorities as a Nation.

Let me take a moment to say thank you to our staff who have worked diligently to help put this bill together. The subcommittee majority staff: Martha Foley, our clerk; Leslie Barrack; Matthew Smith; and Kerstin Millius have worked closely with David Gibbons on the minority staff. In addition, Brian Ronholm and Letty Mederos on my staff and Merritt Myers from Mr. KINGSTON's staff all have worked very, very hard to bring this bill to the floor this evening. I hope the Congress will seize this opportunity to help American farmers and families in these tough times and get us moving again on the path to recovery. I urge you to support this bill.

I reserve the balance of my time.

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

I thank the gentlewoman, my counterpart, the chairwoman of the committee, for her great introductory remarks. I certainly support many parts of this bill. I want to start out by complimenting her on the process that we have and the relationship that we have. We have an open and honest relationship. We can agree to disagree and do it in an agreeable fashion. We have a lot of fun on the committee. We've had a lot of hearings. Many hearings where we are interrupted by votes and then we had to go back over there, sometimes it's just the Chair and I who go back; and we have our way with the witnesses, which is always fun because here in Washington we'd rather be the ones with the microphone than having somebody else have the microphone. We just have a good time with this. I think the staff works well together, and I want to recognize the staff for all their efforts at this time. On the majority staff, Martha Foley, Leslie Barrack, Jason Weller, Matt Smith,

Kerstin Millius, Brian Ronholm and Letty Mederos. I thank everybody on that side for working with our folks. Our folks are Dave Gibbons, Merritt Myers, Meg Gilley, Bernie Tokarz and Jarr Rosenbaum who all worked closely with us over the years; and we appreciate the work of the staff.

I think that if you look at one of the things that this bill has also done in this atmosphere where earmarks are under a lot of scrutiny, in 2006 this bill had $865 million in earmarks. The bill we are looking at tonight has $219 million. That is a substantial reduction. In 2008 there were about 400 earmarks in the bill, and now we're down to about 322. So we're making a lot of progress in reducing the number of earmarks, and that is a good thing.

What this bill does not have though is spending reductions; and unfortunately, Mr. Chairman, we spend a lot of time talking about increase in spending, but we don't talk about efficiency and effectiveness. The purpose of Congress really shouldn't be just to spend more money on an authorized program. We should make sure that the programs are effective, they're efficient, and are doing their intended purpose. Increasing WIC or increasing food stamps, is that a good thing? I would challenge that premise that it's not necessarily a good thing. It may be a necessary thing to do. But just because we've increased food stamps or WIC spending, I don't think we can polish off our halos and pat ourselves on the back. I think it underscores a situation in society that we need to be addressing, some of it in this committee, some of it in the authorizing committee; but certainly all Members of Congress, what do you do to help encourage people to be more independent so they do not have to depend on the U.S. Congress year after year? Spending in this bill is up about 14 percent overall. It's a $123.8 billion bill. The discretionary portion is up nearly 13 percent from about $20 billion to nearly $23 billion. The FDA is up 13 percent, from $2.6 billion to about $3 billion; and CFTC, the Commodity Futures Trading Commission, has gone from $140 million to $160 million, which is about a 14 percent increase.

Now for these increases, what will we get for the taxpayer dollar? What does it do for us? It just really, we know, grows the bureaucracy. It doesn't always get something done better or faster. I think that when we spend more money, we should have a measurement of the expectation, particularly in an economy that is floundering, an economy right now that has an $11 trillion national debt. I think my colleagues here don't need me to remind them where money comes from. We print it; we tax it from those who have earned it; or we borrow it from countries such as China, to whom we owe about $622 billion right now. Truly the national debt is a big problem. It's not the 500-pound gorilla in the room. It's, rather, a whole lot of gorillas that are in the room.

I think as a Republican, one reason why we are in the minority is because we spent too much money. Republicans had a brand identity of being fiscal conservatives, and unfortunately we threw that away. There was a war. There was a hurricane. There were flooding problems. There was terrorism. There were domestic attacks. But that's not an excuse. However, now, particularly with this administration, spending seems to be on supercharge; and as government increases in size, the private sector seems to decrease in size.

Take, for example, the recently passed stimulus program, $790 billion in deficit spending at a time when unemployment was 8 percent; and the President said we have to do something that will give us drastic and immediate results. Now instead of that unemployment rate being decreased, it's almost 10 percent; and 1.5 million new people are out of work since the passage of the stimulus program. Yet here we are again tonight, saying we can pass a bill with a 14 percent increase on it, and that is synonymous with good. Mr. LEWIS on the committee actually offered a substitute amendment in what we call the 302(b) allocation that would have actually held spending to a 2 percent increase over last year's level. That was rejected on a party-line vote. But I think Mr. LEWIS was trying to say, we've got to rein in control of the spending because it's clear more spending does not create more jobs.

There are other issues in this bill which we, in the minority, have tried to address through amendments. Now unfortunately despite the fact that we turned in to the Rules Committee 90 amendments—and I'll say I had not seen those amendments. I was trying to focus our minority efforts on about 8 to 10 to 12 particular amendments, amendments which I thought were substantial, substantive, that were good government, maybe philosophical disagreements here or there; and I had lots of communication with our Members. So I'm not sure where the other 70 to 80 amendments came from. But I do know with the prefiling of amendments that Members are more inclined to throw a lot of amendments out there to the Rules Committee in order to protect themselves should they decide to go forward on their amendments because if they don't prefile, then they can't even have consideration. But because of the continuing practice of closed rules, most of these amendments, of course, were rejected. Tonight I believe we're going to be looking at two or three substantive amendments, then some earmark amendments, and then a couple of noncontroversial amendments. And I'm appreciative of that. But I do think that we should open up this process a lot more.

There are other things that we should be discussing that are not in this bill, like a limitation on housing payments for illegal aliens. We need to be discussing categorical eligibility for food stamps; and this is a practice widespread right now in the States where if you qualify for one entitlement program, then you're automatically going to be enrolled in food stamps. What the unintended consequence of that is, some people who have substantial net worth are going to be able to get food stamps because they're unemployed. And we all know, tragically, a lot of people are unemployed right now; but some of them have a lot of assets in the bank. Yet under the State interpretations of categorical eligibility, they're automatically enrolled in food stamps. I think that's taking away food stamps from somebody who truly deserves it. We are unable to have an amendment on that. Also payment limitations to farmers who are ineligible for programs. From 2003 to 2006 the USDA discovered about $50 million that was paid to farmers who were not eligible to receive payments. I think that should be addressed in this bill a little more closely than it is. We did offer an amendment on that, but it was not supported. In 2006 the food stamp program made $1.29 billion in overpayments. An amendment that would have prohibited illegal recipients from getting the money I think would have been something good for this bill, but that was not accepted. There was another amendment offered on P.L. 480. It's interesting, P.L. 480, we have increased that substantially. That's our foreign food assistance program. It has popular, broad bipartisan support. But on the same hand, I don't think we had enough oversight, enough discussion as to why that spending needed to spike up to the tune of getting $700 billion in a supplemental bill and then another $464 million in this bill. These things are of great concern to me, and we will discuss some of these in more detail.

I look forward to the debate. I look forward to the amendments. Again, I want to close with where I started with my chairwoman. I enjoy working on the committee, enjoy working with the staff; and we're going to continue to be engaged in this process. It won't just end tonight. We're going to make sure that we follow this bill all the way through; and to the degree that the minority is able to participate, we will be there. But thank you for letting us work with you.

I reserve the balance of my time.

Ms. DELAURO. I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chair, I rise today to voice my strong support for H.R. 2997, the Agriculture appropriations bill for fiscal year 2010.

I thank my good friend ROSA DELAURO for her leadership on this vital legislation which helps put food on the table for more needy families. Americans are suffering through the worst economic crisis since the Great Depression. More and more families are forced to seek assistance in order to

feed themselves and their loved ones. As Chair of the Agriculture Subcommittee on Nutrition, I am pleased that this legislation makes a strong commitment to feeding the impoverished and ending hunger in America. Today's legislation provides more than $7.5 million to ensure that some of the most wonderful in our society, women and young children, have access to nutritious foods during these tough times. These funds will ensure another 700,000 women, infants and children will have access to WIC benefits. In addition, H.R. 2997 provides $180 million to give nutritious foods to over half a million low-income senior, disabled, and women and children through the Commodity Supplemental Foods Program. I urge my colleagues to support this legislation.

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Mr. KINGSTON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida.

Mr. MICA. I want to thank our ranking member, Mr. KINGSTON, for yielding time.

I would have liked to have actually spoken on the rule. As some of you may know, I protested the rule. I didn't bring the House business to a halt, but I did ask several reconsiderations and a motion to adjourn, exercising my right in the minority, and as a House Member, to proceed on business that I felt was only fair and equitable as far as treatment of a Member when a Member has a problem in his district.

I have the great honor and privilege of representing an urban area, a suburban area, and also a rural area from basically north of Orlando to just south of Jacksonville. The western part of the central and the center part of the northern part of the State is agriculture and rural. It is a great area. People work hard. They are some of the most dedicated, hardworking Americans I know.

Unfortunately, several months ago, we had a disastrous series of rains. We had up to 30 inches of rain in some of the areas. I have pictures of potato fields. My district is one of the largest potato growth and farm areas in the Nation. These fields behind me here were all covered with water and covered for multiple days with sun and rain. What happened is basically the potatoes rotted and we had $50 million worth of damage, which really isn't a huge amount of money when we deal with billions here, but it means the difference between life and death, between staying in business and keeping people employed in my district.

I had asked the Rules Committee for a small change in a program that is called Supplemental Review Assistance program, and those are Federal programs that farmers in my district paid premiums for, participated in, and were eligible for. In fact, 85 percent of the potato farmers were eligible for participation in those programs, but the problem that we had, in spite of their having this insurance, is that the timing of the disaster was such and the rules by which they assess eligibility and disaster payments under SURE would arrive after the crop losses, because some of the data has to be computed for payment rates a year after the harvest. Now, that doesn't help people who are trying to do plantings, and we have different seasons from other parts of the United States. It doesn't help people who are trying to keep folks employed in the farm business, and it doesn't help farmers who are trying to keep their door open.

I asked for a small change, and if you look at the rule, they actually put in some changes, and they were, I hate to say it, legislating on appropriations to help folks. And we normally do that. We help each other in the House of Representatives when our areas have a disaster.

Now, I wasn't asking for any more money. I wasn't asking for another bigger program. There is plenty of money there. It is the timing of the disaster and this particular requirement to get funds and make my farmers eligible and farmers through this devastated area eligible.

So I'm very disappointed. I must say that I have the highest respect for Mr. KINGSTON, and I have the greatest respect for Ms. DELAURO. They do a wonderful job. My argument, again, is not with you. My argument is with the Rules Committee that did not extend the courtesy to a Member to assist his district in a time of natural disaster. I intend to pursue this no matter what it takes. However, I have to get the attention of the House. We are going to find a way to bring aid to people in my district who just want to stay in business, who want to continue farming, and who want to create jobs in a very difficult economy and not be shut down. They have paid their dues. They have paid their fees.

We are not asking for any more money. We are just asking for a slight change in some of the language on the funds that are available, and there are plenty of funds available.

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

Ms. DELAURO. Mr. Chairman, I just would say to my colleague that I sympathize with the difficulties and the disaster that has befallen your district, and I would urge you to speak to the authorizing committee and Mr. PETERSON in the Agriculture Committee for this effort.

With that, let me just yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I thank the chairwoman for yielding.

I rise this evening to engage in a colloquy with the chairwoman of the subcommittee about the desperate state of the Nation's dairy industry which has experienced a disastrous collapse in prices over the past year. During the July recess, I had the honor of accompanying Chairwoman DELAURO on a visit to the Greenbacker Dairy Farm in Durham, Connecticut. During that visit, we heard firsthand from dairy farmers all across Connecticut about the difficulties that they are facing, particularly regarding the cost of production and the rapid decline of dairy prices over the past year.

I ask the chairwoman if she could speak to this issue and what relief might be available to these farmers.

Ms. DELAURO. I thank the gentleman for his efforts on behalf of the dairy industry. Over the past year, dairy farmers across the country have been challenged like never before. I support efforts to provide increased relief to these farmers. I thank you, Mr. COURTNEY, Mr. WELCH, Chairman PETERSON, and other Members for their efforts. I am committed to helping struggling dairy farmers and their families in Connecticut and across the country.

Mr. COURTNEY. I thank the Chair for her response and her staunch support of our State and national dairy farms.

I now yield to my distinguished colleague from Vermont (Mr. WELCH).

Mr. WELCH. We appreciate the gentlewoman's hard work on the Agriculture appropriations spending bill. As you know, dairy farmers are currently being paid $11 per hundredweight on milk that costs them $18 per hundredweight to produce. This upside-down pay scale is absolutely unsustainable. It has already forced dozens of Vermont farmers out of business.

We unsuccessfully offered an amendment to the bill to raise the payment rates on the Milk Income Loss Contract program from 45 percent to 79 percent. While the MILC program isn't perfect, it is really a way to put money back in the pocket of farmers.

We appreciate your support, and we believe that you agree that Congress must take action to help our struggling dairy farmers and we cannot wait for more farms to go out of business.

I thank the chairwoman and look forward to continuing to work with her and my colleague from Connecticut.

Ms. DELAURO. I thank my friend from Vermont for his leadership and my friend from Connecticut. I applaud his continued efforts to help the dairy industry. I look forward to working with you.

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

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I commend the gentlelady for her work on the bill and thank her for supporting my amendment to protect the USDA's organic standards and labels and to enter into a colloquy now.

We must ensure that the Department of Agriculture's Inspector General has the resources to complete a thorough investigation, already underway, into

whether current inspectors are upholding the most rigorous standards for organic certification and receiving adequate oversight. The Inspector General also needs resources to investigate whether nonorganic substances inappropriately remain in USDA-certified products. The number of nonorganic substances has ballooned from 77 in 2002 to 245 today, and only one has been removed. If we want the organic label to mean something, then there must be strong standards for organic certification and we must uphold them.

Ms. DELAURO. I agree with the gentleman about the importance of protecting and strengthening USDA's organic standards.

The CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. I yield myself 5 additional seconds.

I was pleased to incorporate it into today's chairman's amendment, the amendment to increase funding to the Office of the Inspector General.

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

Ms. DELAURO. I am pleased, Mr. Chairman, to yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me first thank the gentlelady from Connecticut for her hard work and her dedication to moving our Nation forward in the area of agriculture, nutrition, health safety, and all of the other issues that she tackles each and every day. This bill is going to help millions of Americans, and I am pleased to support it.

I rise today to enter into a colloquy to raise the important issue regarding the lifetime ban on food stamp eligibility for formerly incarcerated persons who were convicted of drug offenses. This is really a serious moral and ethical issue of concern to me and many members of the Congressional Black Caucus.

Our Constitution provides the appropriate groundwork for this issue in article 1, section 10 in the Fifth Amendment by declaring that individuals are not to be subject to double jeopardy or to be subject to ex post facto laws. After offenders have served their time, Mr. Chairman, the formerly incarcerated reenter society looking to improve themselves and their lives. As a society, this is what we want to support to reduce recidivism and reduce crime; however, the current policy prevents them access to food stamps.

Food stamps and cash support are essential to the health and stability of families. Individuals with criminal convictions face considerable barriers, often needing transitional services and support to improve their ability to acquire gainful employment and transition after incarceration. The Personal Responsibility and Work Opportunity Reconciliation Act prohibits anyone convicted of a drug-related felony from receiving both federally-funded cash assistance——

The CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. I yield the gentlelady 30 additional seconds.

Ms. LEE of California. The point I wanted to make is that the Welfare Reform Act prevents anyone, and only those who were formerly convicted of drug felonies, from ever receiving cash assistance and food stamps, even after completing their sentence and overcoming an addiction.

So I have worked with the authorizing committee and introduced H.R. 5802, and I wanted to talk to the gentlelady tonight about this very important issue. I hope that sooner or later we can really repeal this ban because it is a barrier for those who have reentered society. They deserve to be able to be eligible for food stamps.

Ms. DELAURO. Mr. Chairman, I yield myself 15 seconds.

I assure the gentlewoman that we will work together to correct the inequity that has been in place since the 1996 welfare reform bill. I agree with you. The time has come to address this issue in a meaningful way. We are talking about individuals who have paid their debt to society. They should be given a new opportunity to make a new life, to provide food assistance for themselves and their families. It is the right thing to do.

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

Ms. DELAURO. Let me yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentlewoman. I rise to engage in a colloquy with the chairwoman of the subcommittee.

Reliable economic data is critical for any industry. Congress has historically supported the Economic Research Service of the USDA which has collected and analyzed segregated organic data. Organic farming is one of the fastest growing segments of the U.S. agriculture. The need and demand for this information will continue to increase.

Though language has been included in past Agriculture appropriation bills that dedicates funding for the Organic Production and Marketing Data Initiative, it is not included this year. Only $500,000 of the $82.5 million budget of the Economic Research Service would help meet the needs of the initiative. Is it the gentlelady's opinion that the funding for the initiative should remain strong?

Ms. DELAURO. The importance of the program is clear, Mr. KUCINICH, and you have raised a very valid point. I agree with you that the Organic Production and Marketing Data Initiative should be funded in order to compete with the rest of agricultural commodities.

Mr. KUCINICH. I thank the gentlelady.

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

Ms. DELAURO. I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I thank the gentlewoman.

Mr. Chairman, I rise today to engage in a colloquy with the chairwoman of the subcommittee. I commend her efforts to expand the Child and Adult Care Food Program in this bill by increasing the total number of States authorized to serve supper through the At-Risk Afterschool Care program.

According to the Food Research Action Center, the average daily participation of children in Wisconsin in the Child and Adult Care Food Program is over 63,000 kids. There is a great deal of need in my State and across the Nation to ensure that young people have the opportunity to have three nutritious meals a day.

I would love to work with the gentlewoman and my colleague, Senator KOHL in the Senate, to authorize Wisconsin to serve suppers in Wisconsin through the Child and Adult Care Food Program.

Ms. DELAURO. I thank the gentlelady for her support of the Child and Adult Care Food Program, and I would like to work with her very much in the future to expand access to meals in the At-Risk Afterschool Care programs. Through CACFP, 3.1 million children and 108,000 adults receive nutritious meals and snacks each day as part of their day care. The bill before us today expands the afterschool meals program to additional areas. I want to ensure you that we will work together to expand this essential program.

Ms. MOORE of Wisconsin. With the increasing price of food and overall food insecurity among families and communities in today's economy, I welcome the opportunity to work to improve and expand the program.

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Ms. DELAURO. I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairwoman and the ranking member.

I rise today to support the underlying bill and to particularly focus on the question of hunger in America.

Madam Chairwoman, this past weekend I joined one of the more well-known constituents of mine, Beyonce, who is engaged in an online opportunity to ensure that food banks of America are taken care of. We realize that in this economic recession, although we are working very hard with stimulus funds, that many people are in need. Families who work are in need of extra assistance, and so I am particularly interested and concerned that this legislation, the appropriations, will be supportive of the works of the Nation's food banks and help the various food banks through a number of provisions that may ensure that food banks are a viable part of our economic food line.

We know that there are about 900 million, 923 million people-plus, that are hungry around the world or are

lacking in what we call food security, the inability to secure the right kind of food. We know that developmental concerns occur in children who are not, in essence, able to participate or to have the kind of food security they need to have.

So I am very pleased that again the McGovern-Dole legislation has been supported as International Food Aid, providing some $1.69 billion as requested and $464 million above 2009. I am also very glad that this is able to meet emergency and nonemergency humanitarian food need in countries stricken with natural disasters and political strife, $199.5 million food for the McGovern-Dole International Food for Education and Child Nutrition Program, the same as requested, and $99.5 million above 2009 to support education, child development and food security to some of the world's poorest children.

The CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. Might I also say that I am also glad that this legislation continues to support the Congressional Hunger Center, which many of us have been supporting over the years in terms of its funding. And, likewise, I would like to emphasize the importance, in conclusion, that hunger has not been overcome.

This bill deals with many issues, nutrition, Women, Infants and Children, the WIC program that is so very important, the commodities, the supplemental food program all again focusing on the large need from hunger, not only internationally, but domestically.

I want to thank the chairwoman again and would like to continue to work with her as this bill makes its way through the Congress.

The CHAIR. The time of the gentlewoman has again expired.

Ms. DELAURO. I yield the gentlewoman an additional 10 seconds.

Ms. JACKSON-LEE of Texas. I think you are well aware of the work that my former colleague, Mickey Leland, has done on hunger. And I want to continue to work to ensure that these programs are there for the continuously hungry and that we will be able to distinguish it.

Ms. DELAURO. I yield myself 10 seconds.

I want to assure the gentlewoman from Texas that it is of a high priority for me to make sure that we address the very serious issue of hunger in this country and internationally, and we will spend a lot of time in that effort.

Mr. KINGSTON. I yield myself such time as I may consume, Mr. Chairman.

I want to make a statement on behalf of myself and Mr. FRANK of Massachusetts and Ms. BROWN of Florida regarding the domestic catfish industry, and if the Chair wants to respond, fine; but we have discussed this.

And it actually came a little bit late in the hearing process to do anything about, but I wanted to give some background. In 2008 the farm bill created a new USDA catfish inspection program that requires the USDA to define what is considered a catfish.

Now, the reason this is important is because the FDA traditionally does the inspection on fish, not the USDA. But now we put in this farm bill, the USDA, in the catfish business. This was pushed by the domestic catfish industry, asserting that Chinese catfish processors would not be able to meet the USDA equivalency requirements of continuous inspection and thus could not export competing products to the United States.

And as somebody who comes from farm country, I know that dealing with foreign competition is very tough because sometimes they subsidize their producers, and maybe they have different regulatory requirements or they have some unfair advantage over the domestic producers. And yet at the same time, the ability to buy food internationally often brings down the price, increases the quality sometimes and increases the number of choices for our consumers. So it is a desirable thing for the United States Government to want to have people import food.

But the FDA uses a hazard analysis critical control point risk-based system that has worked very, very well. But now, under this, we are having the USDA get into the catfish inspection program, which probably is not as—well, it's just not going to be as effective as the FDA program.

The problem is the Chinese begin to grow and export a catfish to the United States called the ictaluridae. And, meanwhile, the Vietnamese started growing something called the pangasius. And these species are very different. Just like a human being is different from a baboon, so are these two different types of fish.

But what is happening now, the domestic catfish industry is pushing the USDA to adopt a broad definition of catfish beyond the ictaluridae and include the pangasius. And I know you got all of that, Mr. Chairman, because I did too the first time.

And the concern that I have is that the USDA really does not have the expertise to broaden their mission to start making definitions on a different type fish than what the farm bill asked them to look into. So I am very concerned about that, as is Mr. FRANK, as is Ms. BROWN from Florida. And I know other Members are as well, and we really do not want to see the USDA go beyond the mission and include this pangasius in their definition of catfish.

And if the chairwoman wants to respond, I would be glad to yield.

Ms. DELAURO. Yes, if the gentleman would yield, I would be happy to address the issue.

Mr. KINGSTON. I would be happy to yield.

Ms. DELAURO. I would just say to the gentleman that there is a need to improve inspections of seafood imports. As you know, less than 1 percent gets inspected each year. And there was a lot of discussion about this provision during the farm bill last year.

I, frankly, have some concerns that it would further complicate the organizational structure of food safety, instead of simplifying matters in moving that jurisdiction from the FDA to the USDA. Also, if USDA diverted resources to inspecting catfish, would it take away resources from meat and poultry inspection. And I would just say that we did plus-up funding to the USDA to be able to accommodate this new responsibility.

Another concern I had about this provision is that moving seafood inspection, or even catfish inspection, is more complicated than it seems. There is a substantial difference between preventing outbreaks in meat and poultry and preventing outbreaks in seafood. And the FSIS, the Food Safety and Inspection Service, has no experience with identifying seafood pathogens.

So I look forward to discussing this issue further with the gentleman in answering some of the questions that you have with regard to this.

Mr. KINGSTON. Well, I thank the gentlewoman, and as we both know, we have spent a lot of time talking also about the USDA and Chinese chicken and that issue. And one of the concerns that—this underscores the thing on catfish, that it is the USDA's domain, really. They have the expertise and the track record on fish, whereas the USDA has a track record on chicken, poultry and beef domestically; and I know that you do have concerns in terms of their expertise to look at the reimportation of poultry products from China. And I wasn't going to really discuss that, but, certainly, if the gentlewoman would like to, we have had——

Ms. DELAURO. Well, certainly, we have had a discussion about it over time. And I think the gentleman knows my position on this issue, and my position has not changed in a number of years.

And it's my view that the decisions about the importation of food products from China are a public health issue that must not be entangled in trade discussions. And I understand that Chinese officials are suggesting a quid pro quo, if you will, and they are trying to link the exportation of poultry products with reopening U.S. beef exports to the People's Republic of China.

Those talks, in my view, should be separate and distinct. My position in this area has to do with the public health of this Nation. It is clear that the 2006 FSIS declaration that China's safety and inspection system was, quote, equivalent to the U.S. system for processed poultry products, was based on trade goals. From a public health and a safety perspective, the equivalency determination was deeply flawed and cannot be relied on to protect U.S. consumers' safety.

Equivalency was granted in the face of overwhelming evidence of contamination in Chinese processing plants and in Chinese slaughterhouses.

Therefore, in my view, the ban on poultry products from China must be maintained. And while USDA does have a process, as you pointed out, in place, that process, in making a determination of equivalency for processing U.S. chicken in China, was flawed and was broken and has not worked.

The committee, by the way, and you understand this, intends to undertake a thorough review of, convene hearings on the equivalency process in general. And what we will examine are audits of inspection, on-site reviews of processing facilities, laboratories, other control operations, increased level of port entry reinspection and information-sharing programs with other countries.

So I look forward to continuing this discussion and working with you as the committee moves forward with its examination. But in the meantime, the limitation in carrying out this rule needs to be maintained.

Mr. KINGSTON. Well, I thank the gentlewoman for those remarks, and I think that your uncertainty with the reliability of USDA on Chinese chicken I share with the USDA on catfish.

There is a lot to continue to discuss. And it's interesting, Mr. Chairman, as we talk about our trade relations, and I think that the gentlewoman does make a very good point that we have to be sure that our desire to trade with countries doesn't blur the food safety mission that we also have.

I was reminded, though, on the 4th of July that of the $211 million worth of fireworks that we exploded all around the Nation, most of it came from China. And of the flags and buntings that we displayed on the 4th of July, $340 million worth, most of that came from China as well.

So we do have a great deal—we have got a big challenge in front of us as we look at our second largest trade partner in China to figure out, you know, what are some of these lines and boundaries.

Ms. DELAURO. I would just say to the gentleman that we have a responsibility that whatever the food product is coming, and that food product from anywhere, that the country that is producing this product or processing this product must have the same set of equivalent standards that we have domestically to ensure the public health of people in the United States. We have witnessed over and over again in the last several months that we will put the public health at risk when children die, when people are ill from either a product that's domestically produced or internationally produced. We, as a Nation, and those of us who serve in this body, I believe, have a moral responsibility to do something about it.

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Mr. KINGSTON. I thank the gentlewoman. I have no further speakers on general debate, and I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the FY 2010 Agriculture, Rural Development, Food and Drug Administration Appropriations bill for the investments it makes in protecting the public health, bolstering food nutrition and conserving our natural resources.

I am pleased that the Food and Drug Administration will receive $2.338 billion in discretionary funding, an increase of $299 million over last year. Serious gaps have been exposed in FDA's ability to protect the American public due to recent outbreaks and recalls of food-borne illnesses. We need to ensure that the FDA has the necessary tools and resources to fulfill its vital mission in protecting the American public from unsafe products. This substantial investment in the FDA will significantly improve food and medical products safety. In addition, the bill fully funds the President's request for the Food Safety Inspection Service, providing over $1 billion for FSIS for the first time in history for the inspection of meat, poultry and egg products.

To help those low-income and elderly Americans struggling with rising food costs in this current economic crisis, this bill strengthens food nutrition programs by providing $61.4 billion for the Supplemental Nutrition Assistance Program, an increase of $7.4 billion over last year's amount, and $7.5 billion for the Women, Infants, and Children (WIC) program. The funding the legislation provides will help an additional 700,000 women, infants, and children, which will increase WIC participation to over ten million people.

As Co-Chair of the bipartisan Congressional Chesapeake Bay Watershed Task Force, I am particularly pleased that the bill provides almost $4 million through the Natural Resources Conservation Services for Chesapeake Bay restoration activities. Providing adequate technical assistance to farmers, landowners, watershed groups and communities is critical to implementing the Farm Bill conservation programs that are the single most vital tool to improving the health of the Chesapeake Bay. This legislation provides $980.3 million for the Natural Resources Conservation Program to help face the demands for cleaner water, reduced soil erosion, and more wildlife habitat.

Mr. Chair, I commend Chairwoman DELAURO, Ranking Member KINGSTON and the rest of the subcommittee for its work on this legislation and urge my colleagues' support.

Mrs. MILLER of Michigan. Mr. Chair, I rise today in strong support of the underlying legislation, H.R. 2997 the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act of 2010.

My district is home to some of the most fertile farm land as well as some of the hardest working families farmers in the nation.

As you drive through my district, you see fields full of dry beans, sugar beets, corn, wheat, soybeans, various vegetables, and other crops needed to feed our nation and indeed the world.

We have thriving cattle, pork, and dairy industries as well.

While so many identify Michigan with manufacturing, we sometimes forget that agriculture is Michigan's second leading industry—and the bright spot in a struggling Michigan economy.

This bill is important because it provides much needed funding for the Farm Services Agency which administers disaster and loan programs, farm commodities and conservation programs directed toward producers.

The bill also goes a long way in providing money for continued agriculture research which is so important in increasing yields and furthering education for our producers. This measure also includes essential programs to assist those living in rural communities and extends programs that keep the quality of our food safe.

Finally, this bill also provides an important benefit to the Great Lakes, a national treasure which represent 20% of the world's freshwater supply. This bill exceeds the President's Budget and the FY2009 levels for funding for the Natural Resources Conservation Service which help protect wetlands and wildlife habitat.

While there are certainly challenges with this bill—namely an increase in spending over last year—it is vital that we move this important funding bill forward. It is my hope that in conference we can find additional savings to bring total spending down, but this bill does represent spending that will provide sufficient support for an industry that is important to our national economy and necessary to make certain that America remains the greatest food producer in the world. I urge my colleagues to vote in favor of this bill.

Ms. DELAURO. Mr. Chairman, 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 111–191, not to exceed one of the amendments printed in part C of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; not to exceed three of the amendments printed in part D 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 E of the report if offered by the gentleman from Texas (Mr. HENSARLING) 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, D, or E of the report may be offered only at the appropriate point in the reading.

The Clerk will read.

The Clerk read as follows:

H.R. 2997

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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, namely:

PART A AMENDMENT NO. 1 OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. 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 A amendment No. 1 offered by Ms. DELAURO:

Page 3, line 19, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 5, line 4, after the dollar amount, insert ''(reduced by $500,000)''.

Page 5, line 5, after the dollar amount, insert ''(reduced by $500,000)''.

Page 6, line 9, after the dollar amount, insert ''(reduced by $4,000,000)''.

Page 8, line 1, after the dollar amount, insert ''(increased by $500,000)''.

Page 9, line 10, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 10, line 25, after the dollar amount, insert ''(increased by $3,519,000)''.

Page 11, line 8, after the dollar amount, insert ''(increased by $3,000,000)''.

Page 11, line 23, after the dollar amount, insert ''(increased by $519,000)''.

Page 25, line 22, after each of the dollar amounts, insert ''(reduced by $519,000)''.

Page 57, line 8, after the dollar amount, insert ''(increased by $235,000,000)''.

Page 57, line 20, strike ''and''.

Page 57, line 23, insert before the colon the following: ''; and $235,000,000 shall be derived from tobacco product user fees authorized by section 919 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of the Family Smoking Prevention and Tobacco Control Act (Public Law 111–31), and shall be credited to this account and remain available until expended''.

Page 57, line 25, strike ''and animal generic drug'' and insert ''animal generic drug, and tobacco product''.

Page 58, line 21, strike ''(7) not to exceed $115,882,000'' and insert the following: ''(7) $216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $117,225,000''.

Page 58, line 25, strike ''(8) not to exceed $168,728,000'' and insert ''(9) not to exceed $171,526,000''.

Page 59, line 2, strike ''(9) not to exceed $185,793,000'' and insert ''(10) not to exceed $200,129,000''.

At the end of the bill (before the short title), insert the following:

SEC. ____. There is appropriated, for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a), hereby derived from the amount provided in this Act for ''Rural Development Salaries and Expenses'', $2,000,000.

SEC. ____. None of the funds appropriated or otherwise made available by 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.

The CHAIR. Pursuant to House Resolution 609, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, this is a good amendment, and it contains several provisions.

First, it appropriates the tobacco fees authorized in the recent tobacco bill to start up the new Tobacco Control Program as authorized under the Family Smoking Prevention and Tobacco Control Act.

The amendment also provides increases of $2 million for the Agriculture Research Service and $3 million for the National Institute of Food and Agriculture. It increases funding for the Office of the Inspector General. It raises the funding level for the Higher Education Multicultural Scholars Program to $1.5 million; provides $2 million for the Methamphetamine Inhibitor Grant Program authorized in the farm bill; and prohibits first-class travel by employees funded in the bill if it violates existing rules.

The increases are fully offset by small reductions to administrative programs. It is a noncontroversial amendment, and I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

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

Opposition of this amendment has nothing to do with the Agriculture Committee as much as it does the Rules Committee because there were so many amendments that the Rules Committee did not allow by the minority, and the reason that the Rules Committee said they did not allow them was because they were authorizing on an appropriation bill. This is authorizing on an appropriation bill. While there is a good reason for it, it is still something that I think is philosophically inconsistent with what the Rules Committee has been telling us for the last 24 hours. I will ask for a recorded vote on this.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I would just indicate that the Rules Committee did make the amendment in order. As I say, it is a noncontroversial amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KINGSTON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,285,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, $1,000,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $13,032,000.

PART B AMENDMENT NO. 2 OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I call up my amendment 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. 2 offered by Mr. BRADY of Texas:

Page 3, line 4, after the dollar amount, insert ''(reduced by $50,000)''.

Page 8, line 20, after the dollar amount, insert ''(increased by $50,000)''.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Mr. Chairman, this amendment seeks to shift $50,000 from the Office of the Chief Economist at the USDA to the Economic Research Service.

The goal of this amendment is to have the Office of the Chief Economist work jointly with the Economic Research Service and the Foreign Agriculture Service to conduct an independent, objective study on the potential growth in U.S. agriculture exports that would result from implementation of the pending trade promotion agreements with Colombia, Panama, and South Korea within 90 days of this legislation becoming law.

Additionally, the Department of Agriculture would also report on the potential impact of U.S. agriculture exports if these agreements are not implemented.

In each case, the USDA would analyze the impacts of changes in exports on agriculture sector jobs, wages, farm income, and commodity prices.

As many of you know, each of these countries have signed or are negotiating trade agreements with several countries that are major competitors for America's farmers and ranchers. I know we are all concerned about the potential loss of competitiveness that families and workers in our agriculture sector would face if the pending trade agreements are not implemented.

While there has been some analysis of the impact of the pending trade agreements on American farmers and ranchers, much of this analysis is outdated. For example, the study by the U.S. International Trade Commission on the U.S.-Colombia Trade Promotion Agreement was published in December 2006 and relied on trade data from 2005. Obviously, conditions have changed since then.

In these difficult economic times, Congress, now more than ever, must pursue policies to enhance the competitiveness of America's farmers and ranchers. And since 95 percent of all consumers live outside the United States, increasing exports, finding new customers for American farmers and ranchers, are a vital component of that effort.

The analysis conducted as a result of this amendment will help Members of Congress understand fully the importance of leveling the playing field for America's farmers and ranchers by considering and implementing the pending trade agreements.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, although I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from Connecticut is recognized for 5 minutes.

There was no objection.

Ms. DELAURO. I want to first say to the gentleman from Texas, to be clear and have real clarity about this amendment, this would transfer $50,000 from the Office of the Chief Economist to the Economic Research Service.

The gentleman's amendment does not address trade or trade agreements. It is a simple transfer of funds from the Office of the Chief Economist to the ERS, without any designation of what the disposition of those funds are. I want to be absolutely clear about that.

I yield to the gentleman.

Mr. BRADY of Texas. Yes, Madam Chairman, we were very respectful of the House rules on those issues. Clearly an intent of this discussion tonight is to have this study conducted, but we were very respectful of the House rules.

Ms. DELAURO. As I said, I plan to support the amendment, but the amendment as I say makes that transfer. I did not choose the offset that is included, and we may need to revisit that in conference. But I would be happy to accept the amendment.

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

Mr. BRADY of Texas. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. BRADY of Texas. Mr. 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:

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $15,289,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,436,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, $2,494,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, $3,000,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $61,579,000.

PART B AMENDMENT NO. 4 OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. 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. 4 offered by Mrs. CAPITO:

Page 3, line 19, insert after the dollar amount the following: ''(reduced by $10,038,000)''.

Page 46, line 18, insert after the dollar amount the following: ''(increased by $10,038,000)''.

The CHAIR. Pursuant to House Resolution 609, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Mr. Chairman, as we know, funding for rural water projects is vital to the quality of life in our local communities. Small communities have the greatest difficulty providing safe, affordable public drinking water due to their limited resources, and this amendment is designed to help address this challenge.

Helping small communities better manage their water resources is absolutely critical to rural America. Across this country, over 90 percent of the community water systems serve a population of less than 10,000 people, and are eligible to receive support from the USDA Water and Waste Disposal programs.

USDA water loans and grants allow communities to build or extend water systems and repay the loans at reasonable rates and terms. These important programs provide small communities that possess limited technical and financial resources the tools they need to protect their drinking water quality.

Small and rural communities rely on technical assistance and training from their State rural water associations to overcome their lack of economies of scale, provide critical onsite technical expertise, and comply with Federal rules and regulations. Without this assistance, many could not construct new systems, expand existing ones, or comply with mandates.

My amendment would restore funding of the Rural Water and Wastewater Disposal program to the fiscal year 2009 level, and ensure that communities have access to the technical resources they need to supply safe and affordable water.

At the President's request, the committee reduced funding to the Rural Water and Wastewater Disposal program by $10.038 million. But just yesterday, the Senate Appropriations Committee recommended the Rural Water and Waste Disposal program receive $22.5 million above the President's request.

We must continue to protect important rural water systems which are critical to the economic viability of any small community by maintaining funding for the Rural Water and Wastewater Disposal program. I encourage my colleagues to support this amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, although I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from Connecticut is recognized for 5 minutes.

There was no objection.

Ms. DELAURO. This amendment does transfer $10.038 million from the Office of Chief Information Officer to the Rural Water and Waste Disposal program. I support more funding for water and waste programs. I did not again here in this instance choose the offset that is included, and we may need to revisit that in the conference. I urge adoption of the amendment. I ask for a ''yes'' vote on the amendment.

I yield back the balance of my time.

Mrs. CAPITO. I thank the chairwoman for her support for this amendment. I would like to mention that I did circulate a letter in support of this program, and we had great bipartisan support in that letter and I appreciate the support across the aisle. I would like to thank the ranking member as well.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,466,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

PART B AMENDMENT NO. 5 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. 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. FORTENBERRY:

Page 3, line 19, insert after the dollar amount the following: ''(reduced by $2,000,000)''.

Page 46, line 5, insert after the dollar amount the following: ''(increased by $2,000,000)''.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, I appreciate having an opportunity to offer this amendment to promote renewable energy in rural America.

America needs a bold new energy division, and I believe this amendment can help. Our sustainable energy future must include the integration of conservation, as well as new technologies, powered by clean renewable sources such as wind, solar, biomass and biofuels.

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Specifically, Mr. Chairman, my amendment would transfer $2 million from the United States Department of Agriculture Office of the Chief Information Officer to the Rural Energy for America Program.

While I do recognize the importance of funding for the Office of the Chief Information Officer and its role in providing enhanced technology at the Department of Agriculture, this appropriations bill does provide a $44 million increase for the office compared to last year. I believe it is appropriate to transfer a small amount of that increase, $2 million, to our Nation's renewable energy efforts. Specifically, again, my amendment shifts this funding to the Rural Energy for America Program, known as REAP. The REAP program funds a wide range of renewable energy projects that stimulate rural economies, help create jobs, and address environmental concerns. This funding promotes energy efficiency and renewable energy production and is directed to farming communities and rural small businesses.

I would also like to emphasize, Mr. Chairman, that in last year's farm bill there is included a new program that has parallel goals to REAP and is designed to create models of energy independence on a rural community level. This new program, the Rural Energy Self-Sufficiency Initiative, authorizes the Secretary of Agriculture to make grants to up to five eligible rural communities annually. The pilot program grants would be used to develop an integrated renewable energy system in order to increase energy self-sufficiency through technologies as well as other renewable sources, such as biofuels, biomass, biogas, geothermal, and wind and solar, resulting in model systems and best practices that could be replicated elsewhere in the Nation.

Because of the importance of this new program, it is my hope that the $2 million provided in this amendment, should it pass, would be directed to the Rural Energy Self-Sufficiency Initiative as the appropriations process moves forward.

Mr. Chairman, I do believe that renewable energy is changing today's agriculture and rural communities. It is clearly in our national interest to help rural communities integrate a wide variety of renewable energy sources and technologies as we move toward energy independence and environmental security.

New development and signs of interest in renewable energy production are booming, Mr. Chairman, and I am proud that my own State, Nebraska, is a leader in creating green jobs in the country.

This amendment does strengthen Congress' resolve to creatively appropriate monies for the best practices in regards to renewable resources and develop new energy options throughout our country.

I urge its adoption, and I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, though I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from Connecticut is recognized for 5 minutes.

There was no objection.

Ms. DELAURO. This amendment, as has been stated, increases funding for the Rural Energy for America Program by $2 million, taking that funding from the Office of the Chief Information Officer.

The 2008 farm bill provided significant amounts of mandatory funding for this program, and this bill before us today increases that investment towards energy independence. I did not choose the offset that's included, and we may need to revisit that in conference, but I am a strong supporter of these efforts.

I urge the adoption of the amendment and would ask for a ''yes'' vote on the amendment.

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

Mr. FORTENBERRY. I would like to thank the chairwoman of the committee for her support of this amendment. It's important. Clearly, we have a similar vision on a bold, new, sustainable energy vision for the country, and I think this is important and will help very much.

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

The CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $888,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $23,922,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $700,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $326,982,000, to remain available until expended, of which $224,401,000 shall be available for payments to the General Services Administration for rent; of which $13,500,000 for payment to the Department of Homeland Security for building security activities; and of which $89,081,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary can use up to $69,000,000 of these funds to cover shortfalls incurred in prior year rental payments: *Provided further*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $5,125,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $41,319,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That of the amount appropriated, $13,000,000 is for stabilization and reconstruction activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by

this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,968,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $9,722,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $88,781,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $43,601,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, $620,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $82,478,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $161,830,000, of which up to $37,908,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,155,568,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $35,000,000, to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $708,004,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $28,000,000; for payments to eligible institutions (7 U.S.C. 3222), $48,000,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $70,676,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $15,945,000; for competitive grants (7 U.S.C. 450(i)(b)), $210,000,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $2,950,000; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,610,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $4,000,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $981,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (*under* 7 U.S.C. 3241), $10,000,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,196,000; for a secondary agriculture education program and two-year post-secondary education (7 U.S.C. 3152(j)), $983,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,399,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $20,000,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $1,000,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $1,000,000; for competitive grants for the purpose of carrying out section 7526 of the Food, Conservation, and Energy Act of 2008 to eligible institutions, $3,000,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), $1,000,000; and for necessary expenses of Research and Education Activities, $38,498,000, of which $2,704,000 for the Research, Education, and Economics Information System and $2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $485,466,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $295,000,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $4,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $68,000,000; payments for the pest management program under section 3(d) of the Act, $9,791,000; payments for the farm safety program under section 3(d) of the Act, $4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,500,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $21,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,396,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $479,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,008,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,568,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $44,000,000, provided that each institution receives no less than $1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, $1,800,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $806,000; and for necessary expenses of Extension Activities, $13,934,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $60,022,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $45,148,000, including $12,649,000 for the water quality program, $14,596,000 for the food safety program, $4,096,000 for the regional pest management centers program, $4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems,

$1,365,000 for the crops affected by Food Quality Protection Act implementation, $3,054,000 for the methyl bromide transition program, and $5,000,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $732,000, to remain available until September 30, 2011, for the critical issues program; $1,312,000 for the regional rural development centers program; and $9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2011.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $753,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $881,019,000, of which $2,058,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $23,390,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $60,243,000 shall be used to prevent and control avian influenza and shall remain available until expended: *Provided*, That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the plum pox program, the National Veterinary Stockpile, up to $1,500,000 in the scrapie program for indemnities, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2010, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $90,848,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $64,583,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $41,964,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $622,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,018,520,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That no fewer than 120 full-time equivalent positions shall be employed during fiscal year 2010 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available under this heading, $3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Ms. DELAURO (during the reading). I ask unanimous consent that the remainder of the bill through page 22, line 17, be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $662,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,253,777,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

PART B AMENDMENT NO. 6 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. 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. 6 offered by Mr. GARRETT of New Jersey:

Page 23, line 5, insert after the dollar amount the following: ''(reduced by $5,000,000)''.

Page 29, line 7, insert after the dollar amount the following: ''(increased by $5,000,000)''.

The CHAIR. Pursuant to House Resolution 609, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, my amendment would add $5 million to the Natural Resources Conservation Service's Conservation Operations Account and subtract $5 million from the Farm Service Agency salaries.

More than 80 percent of the funds under the NRCS Conservation Operations Account provide technical support to help farmers and other landowners conserve and protect their land and resources. Currently, there is a significant backlog of requests for conservation assistance, and many farmers are turned away by the USDA when they apply to participate in conservation programs due to insufficient funding.

New Jersey, my home State, is one of the most densely populated States in the country, and more and more scarce land disappears every day. Our farmers are eager to share in the cost of protecting our environment, and we must ensure that they have the knowledge and the ability to do so in the appropriate manner.

So I would like to commend the chairwoman and the ranking member for their work in attempting to address this important issue. And while I do support very strongly the Farm Service Agency, their salaries and their expense account, under this bill it is slated for a $92 million increase, and with so many of our Nation's farmers struggling to conserve their land and with development rapidly eating up our cherished resources, I believe this is a priority.

I will close with this: More than 19 years ago, when I first ran for public office in my State, I believed we were not doing enough to preserve our open space and our farmlands. I believe that this amendment continues to move us now in the right way and towards that goal. I ask all of my colleagues to support this amendment.

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

Ms. DELAURO. Mr. Chairman, though I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from Connecticut is recognized for 5 minutes.

There was no objection.

Ms. DELAURO. This amendment increases the funding for the Natural Resources Conservation Service Account by $5 million by decreasing the Farm Service Agency salaries and expenses.

While I am very supportive of the efforts of this amendment with regard to technical support and of easing the backlog, I must say that I do not think it is a good offset, but we did not write the language, and we will fix the offset in conference.

With that, I urge the adoption of the amendment and ask for a ''yes'' vote on this amendment.

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

Mr. GARRETT of New Jersey. I appreciate that. I just have a question while we're on the floor, just for my edification. Are there other areas that you would suggest now where the offset should come from?

Ms. DELAURO. Well, what I would like to do is to see what the best opportunities are, but I have indicated my support for the amendment.

Mr. GARRETT of New Jersey. I understand. This is just for my edification.

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

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,000,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,892,990,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $392,990,000 shall be for direct loans; operating loans, $1,994,467,000, of which $1,150,000,000 shall be for unsubsidized guaranteed loans, $144,467,000 shall be for subsidized guaranteed loans and $700,000,000 shall be for direct loans; Indian tribe land acquisition loans, $3,940,000; conservation loans, $150,000,000, of which $75,000,000 shall be for guaranteed loans and $75,000,000 shall be for direct loans; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $21,584,000, of which $5,550,000 shall be for unsubsidized guaranteed loans, and $16,034,000 shall be for direct loans; operating loans, $80,402,000, of which $26,910,000 shall be for unsubsidized guaranteed loans, $20,312,000 shall be for subsidized guaranteed loans, and $33,180,000 shall be for direct loans; conservation loans, $1,343,000, of which $278,000 shall be for guaranteed loans, and $1,065,000 shall be for direct loans; and Indian highly fractionated land loans, $793,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $326,093,000, of which $318,173,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $80,325,000: *Provided*, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11

of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $774,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $869,397,000, to remain available until September 30, 2011: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $20,000,000, to remain available until expended: *Provided*, That not to exceed $12,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $40,161,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,730,000: *Provided*, That not to exceed $3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $660,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $195,987,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $7,325,932,000 for loans to section 502 borrowers, of which $1,121,488,000 shall be for direct loans, and of which $6,204,444,000 shall be for unsubsidized guaranteed loans; $34,412,000 for section 504 housing repair loans; $80,000,000 for section 515 rental housing; $129,090,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,448,000 for credit sales of acquired property, of which up to $1,448,000 may be for multi-family credit sales; and $4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $130,334,000, of which $40,710,000 shall be for direct loans, and of which $89,624,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $4,422,000; repair, rehabilitation, and new construction of section 515 rental housing, $21,792,000; section 538 multi-family housing guaranteed loans, $1,485,000; and credit sales of acquired property, $556,000: *Provided*, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $468,593,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $980,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to $5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than $2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2010 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide

revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $31,756,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $4,965,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, $25,000,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or re-amortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $45,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $45,500,000, to remain available until expended, of which $4,000,000 shall be for grants authorized by section 14204 of the Food, Conservation, and Energy Act of 2008: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $22,523,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $51,091,000, to remain available until expended: *Provided*, That $6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $10,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That $3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That not to exceed $1,000,000 of the amount appropriated under this heading shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $97,116,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That not to exceed $8,300,000 of the amount appropriated under this heading shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,536,000.

For the cost of direct loans, $8,464,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,035,000 shall be available through June 30, 2010, for Federally Recognized Native American Tribes and of which $2,070,000 shall be available through June 30, 2010, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $880,000 shall be available through June 30, 2010, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,941,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $43,000,000 shall not be obligated and $43,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $30,636,000, of which $300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,582,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided,* That not to exceed $3,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which $18,867,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $20,000,000: *Provided,* That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $546,230,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That $41,085,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) of the Consolidated Farm and Rural Development Act and for Federally recognized Native American Tribes authorized by 306C(a)(1): *Provided further*, That not to exceed $19,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $6,000,000 shall be made available for a grant to a qualified nonprofit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed $12,700,000 of the amount appropriated under this heading shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of such Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,959,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $400,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $34,755,000, to remain available until expended: *Provided*, That the Secretary may use funds under this heading for grants authorized by 379(g) of the Consolidated Farm and Rural Development Act.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $28,960,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $17,976,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $623,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $16,799,584,000, to remain available through September 30, 2011, of which $10,051,707,000 is hereby appropriated and $6,747,877,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the total amount available, $5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law No. 110–246).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $7,541,000,000, to remain available through September 30, 2011: *Provided,* That, notwithstanding section 17(h)(10)(A) of such Act, only the provisions of section 17(h)(10)(B)(i), section 17(h)(10)(B)(ii), and section 17(h)(10)(B)(iii) shall be effective in 2010: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $61,351,846,000, of which $3,000,000,000, to remain available through September 30,

2011, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $255,570,000, to remain available through September 30, 2011, of which $5,000,000 shall be for emergency food program infrastructure grants authorized by section 209 of the Emergency Food Assistance Act of 1983: *Provided*, That of the amount provided, $5,000,000 is to begin service in six additional states that have plans approved by the Department for the commodity supplemental food program: *Provided further*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2010 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2011: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $147,801,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $177,136,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480 and the Food for Progress Act of 1985, $2,812,000, to be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,690,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,465,000 shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $355,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $199,500,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 56, line 14, be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $2,995,218,000: *Provided*, That of the amount provided under this heading, $578,162,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2011 but collected in fiscal year 2010; $57,014,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $17,280,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $5,106,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, and animal generic drug assessments for fiscal year 2010 received during fiscal year 2010, including any such fees assessed prior to fiscal year 2010 but credited for fiscal year 2010, shall be subject to the fiscal year 2010 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $782,915,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $873,104,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $305,249,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $155,540,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $349,262,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $58,745,000 shall be for the National Center for Toxicological Research; (7) not to exceed $115,882,000 shall be for Rent and Related activities, of which $41,496,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed $168,728,000 shall be for payments to the General Services Administration for rent; and (9) $185,793,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

PART B AMENDMENT NO. 3 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. 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. 3 offered by Mr. BROUN of Georgia:

Page 57, line 8, insert after the dollar amount the following: ''(reduced by $373,000,000)''.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I rise today to speak on behalf of my amendment to the fiscal year 2010 Agriculture Appropriations bill.

This amendment would simply maintain funding for the Food and Drug Administration at the same level as last year. It would save taxpayers $373 million. As American families struggle to tighten their fiscal belts and spend less, I believe Congress should stop spending so much.

Tragically, many of my colleagues were not allowed the opportunity to bring their amendments up for debate today. Because Democratic leaders have changed the traditional process, American families have missed over 70 opportunities to reduce wasteful programs and to fix what's broken here in Washington, the outrageous spending that we're doing.

You would think in these difficult times that Congress would be willing to restore the people's faith in the way that we spend their money. I think most people would like for us to be more frugal. For my part, I also tried to offer an amendment to reduce the bill's funding level by half of a percent, 0.5 percent, a reduction of just half a penny out of every dollar spent, but that amendment was not allowed to be offered on the floor today, as well as were many others that I offered.

Other amendments I offered would have saved hundreds of millions of taxpayer dollars by eliminating double dipping, maintaining other programs at the 2009 levels, and preventing the purchase of new Federal lands, but these amendments were not allowed either.

Mr. Chairman, as the House conducts one of its most important tasks, the appropriation of funds, we owe it to the American families and people to have an open debate, to allow all ideas to be heard, and to work towards real fiscal constraint here in Washington. We can do that in a bipartisan manner, but we're not allowed to do so by the leadership. In fact, the Democrats should be as outraged as I am that their voice is not heard either. Debate is being stifled, and it's not right. It's not fair not only to us, but it's not fair to the American people.

We have to stop this outrageous spending that we're doing. I urge my colleagues to support my modest and simple amendment.

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

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I strongly oppose this amendment.

This amendment would take away the entire increase over 2009 that is provided in this bill for the Food and Drug Administration. That increase will allow the agency to increase staffing, including staffing devoted to inspections and other field activities, make real improvements in FDA's work to ensure the safety of foods and medical products. For example, in the foods area, FDA will be able to conduct 1,150 more foreign and domestic food inspections and do 20,000 more examinations of imported food products. In the medical products area, FDA will conduct 3,300 more examinations of imported drug products and 4,400 more examinations of imported medical device products.

The FDA will also be able to update its labs with new equipment, will allow it to do a faster analysis of examples. This is especially important during food-borne illness outbreaks. And we have watched what's happened in food-borne illness outbreaks not only in terms of the public health, but we have left industry out there to be exposed and to be able to lose their share, whether it is leafy greens, whether it's tomatoes, whatever it is, if we cannot allow these laboratories to function and to find out what's going on.

The investments reap benefits in the next several years. New inspectors hired with funds in this bill are fully trained, bringing significantly more domestic and foreign inspections and import field exams and other activities by increases in the bill.

We can do research on Salmonella and E. coli biomarkers, new methods of rapid detection of decontamination, improved ability to collect and analyze data on food-borne illnesses. And if you can't understand, when you listen to a mother who says my child of 2 years old died from E. coli contamination—

Mr. BROUN of Georgia. Would the gentlelady yield?

Ms. DELAURO. I am happy to have you speak again. You reserved time.

You know, we have just seen an E. coli outbreak in cookie dough. It highlights the importance of what these additional funds can help us to do. The E. coli bacteria lives inside animals, and that's why E. coli outbreaks are often associated with meat products. How, then, does E. coli get into cookie dough? Additional research on E. coli can help determine how it happened and results could prevent future outbreaks.

In addition to the work on food safety, the increased funds will help the FDA work on new screening tests for blood-borne disease to better understand the adverse events related to medical devices that are used in pediatric hospitals.

Another important tool that the additional funds will provide is to allow the FDA to make substantial investments in information technology for both foods and medical products. This allows the agency to receive and to better analyze adverse events electronically, support electronic submission of applications, and access old data for safety analyses.

□ 2100

I strongly urge a ''no'' vote on this amendment.

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

Mr. BROUN of Georgia. Mr. Chairman, maybe the gentlewoman doesn't know that I'm a physician. I'm concerned about people's health. And my amendment won't do a thing to cut all those programs that you're accusing me of trying to cut. And I resent the fact that you're accusing me of trying to cut that because I'm not trying to hurt people. I'm not trying to harm folks. I'm not trying to stop research. And my amendment wouldn't do that.

My amendment would simply put the funding at the current level. We are stealing our grandchildren's future by spending so much money, by creating a huge debt. I'm not picking on the FDA. What I'm trying to do is I'm trying to save my grandchildren's future. And what we have right now with this bill is a 14 percent increase in funding over last year. That's outrageous. And I resent the fact that you're saying that I'm going to cut all these programs, because my amendment will not.

And, frankly, I just don't understand this kind of emotional debate because it's not debate and it's not correct. The thing that I want to do is I want to save my grandchildren's future by stopping this outrageous, egregious spending that we're doing here. We don't have the money.

Let's keep all these programs. I would love to see us have continuing resolutions for all these appropriations bills across the board, freeze the spending for at least a year.

The people in my district are suffering. Most counties have a 13 to 14 percent unemployment rate. And what we are doing is we are increasing the budget for this bill, for this appropriations bill, by 14 percent. That's outrageous.

And I tell you, the American people should be outraged. They should be calling every single congressional office and saying ''no'' to these spending bills that are just basically stealing our children and grandchildren's future.

We have got to stop this spending. It's absolutely ridiculous. It's going to bankrupt this country, if we're not already bankrupt. And I'm just trying to save spending the taxpayers' dollars. It's absolutely critical that we do that.

The budget that was presented by our President increases the debt over the next 5 years more than every single President since George Washington. I

hear your side keep talking about the debt President Bush created. I wasn't here during that time. I voted against all the bills that we have had since I've been up here, and I think George Bush was wrong in creating that much debt. But your President and my President is creating more debt than George Bush and every other President in history.

We need to stop this spending.

Ms. DELAURO. First of all, it's an 11 percent increase, not 14 percent. I'm trying to save your grandchildren's lives and other grandchildren's lives and my own as well.

We have watched over the last several months and the last couple of years, and the ranking member of this committee understands this and knows this, and we inspect 1 percent of the food that comes into this country from overseas, 1 percent. And the cry has been that there have not been enough inspectors to be able to do that. We are unable to trace back what happened with regard to lettuce, to tomatoes, and others, all of which are putting our families at risk. Your cut, in fact, would put this agency back in jeopardy where it has been for the last several years.

I resent the fact that you as a physician do not understand the value of what the Food and Drug Administration does and that it is responsible for lives. These are not roads. These are not bridges or parks. This is an agency that has authority over people's lives and the public health.

I urge a ''no'' vote on this amendment.

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are advised to direct their comments to the Chair.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. 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 Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,433,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $160,600,000, including not to exceed $3,000 for official reception and representation expenses: *Provided*, That $14,600,000 of the total amount appropriated under this heading shall not be available for obligation until the Commodity Futures Trading Commission submits an expenditure plan for fiscal year 2010 to the Committees on Appropriations of the House of Representatives and the Senate and the Committees approve the whole of the plan.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $54,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act.

SEC. 704. 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. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, 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 which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, 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 for activities, programs, or projects through a reprogramming of funds in excess of $500,000 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 Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2011 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided*, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,180,000,000.

SEC. 717. None of the funds made available in fiscal year 2009 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 718. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 719. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 722. Of the unobligated balances under section 32 of the Act of August 24, 1935, $52,000,000 are hereby rescinded.

SEC. 723. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.

SEC. 724. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 725. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the city of Lumberton, North Carolina, and the city of Sanford, North Carolina (including individuals and entities with projects within the city), eligible for loans and grants funded through the Rural Community Facilities Program account;

(2) the unincorporated area of Los Osos, California (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Water and Waste Disposal Program account; and

(3) the city of Nogales, Arizona (including individuals and entities with projects within the city), eligible for loans and grants funded under the housing programs of the Rural Housing Service.

SEC. 726. There is hereby appropriated $2,500,000 for section 4404 of Public Law 107–171.

SEC. 727. There is hereby appropriated:

(1) $1,408,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) $1,000,000 shall be for development of a prototype for a national carbon inventory and accounting system for forestry and agriculture, to be awarded under full and open competition;

(3) $1,000,000 for the International Food Protection Training Institute; and

(4) $200,000 for the Center for Foodborne Illness Research and Prevention.

SEC. 728. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out—

(1) the Alameda Creek Watershed Project in Alameda County, California;

(2) the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;

(3) the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania;

(4) the Farmington River Restoration project in Litchfield County, Connecticut;

(5) the Lake Oscawana Management and Restoration project in Putnam County, New York; and

(6) the Richland Creek Reservoir in Paulding County, Georgia.

SEC. 729. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by inserting ''the District of Columbia and'' after the first instance of ''institutions located in'';

(2) by striking ''ten'' and inserting ''eleven'';

(3) by striking ''eight'' and inserting ''nine''; and

(4) by inserting ''Connecticut,'' after the first instance of ''States shall be''.

SEC. 730. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 731. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 732. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of reconstituted liquid concentrate infant formula specified in 7 CFR 246.10 when issuing liquid concentrate infant formula to participants.

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 74, line 15 be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 733. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, $11,000,000 is hereby rescinded.

SEC. 734. Of the prior year unobligated balances provided for the purpose of section 306D of the Consolidated Farm and Rural Development Act, $25,008,000 is hereby rescinded.

PART B AMENDMENT NO. 1 OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. 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. 1 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 609, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, tonight I rise in support of the American taxpayer.

Like a lot of my colleagues, I was home last week. I spent a lot of my time talking with constituents and listening to them and to their concerns. And it seems like wherever I went and whomever I spoke with, one concern overrode all of the others. They talked to us a lot about how astounded they were with cap-and-trade and they talked about their fears of what the liberal proposals were going to do to health care.

But the one thing that overrode them all, the commonality of concern, was with spending, the deficit, and national debt. Many times they used the term ''I am dumbfounded'' by what we are spending. Where is this money coming from? Is it coming from China? Is it coming from India? Are we just continuing to roll up the debt? And over and over they said, Tell me what we can do to stop this excessive spending.

Well, Mr. Chairman, my amendment is a good first step, and it is a way that we can begin to slow the Federal spending.

The approps bill before us represents nearly a 12 percent spending increase over last year. And if you add all the stimulus spending, which was $26.5 billion, and the emergency spending, which was $7.9 billion, these programs have benefited from about a 125 percent increase over the past 3 years. So can any of us say that spending 125 percent more than we did on these programs last year in this economic climate is responsible? Look at what that growth has been over a 3-year period of time.

Mr. Chairman, I am asking my colleagues to agree with me to give back just one nickel out of every dollar that is being appropriated and given to the bureaucracy, one nickel out of every single dollar.

As my colleagues all know, I am probably the proudest grandmother here on Capitol Hill. I have two adorable grandsons. My oldest grandson is barely a year old, and he and his brother, his 3-week-old brother, are each already in debt to the tune of about $70,000 to the Federal Government.

I know that there are thousands of grandparents that are out there just like me. They are incredibly concerned about what they see happening. They fear that the exploding debt and the deficit will compromise and will cap the opportunity of those precious children and that we will trade their bright future for one that is limited by a national debt that makes this Nation so sluggish that the best and the brightest opportunities are going to end up going elsewhere. And where are we getting the money? We are getting the money from our grandchildren.

So I urge support of my amendment. Cut 5 percent across the board. Cut a nickel from every dollar. And require today's bureaucracy to find a way to do what the American taxpayer is doing, to tighten the belt and save that nickel out of a dollar for our future.

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

Ms. DELAURO. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to the gentlewoman's amendment, which would cut all the agencies and the programs in the bill by 5 percent. I understand. I have three beautiful grandchildren, and they are the light of my life. And for that reason, I'm opposed to this amendment.

This would represent a cut of $1.1 billion from the bill. Now, this is exactly the wrong time to cut funding for critical programs under the bill that protect the public health, bolster food nutrition assistance programs, invests in rural communities, in agriculture research, strengthen animal health and marketing programs, and conserve our natural resources.

While the bill received a relatively large increase over 2009, it is important to understand that the large majority goes to fund just three priorities: $681 million for higher WIC participation and for food costs, $560 million for International Food Aid programs, and $299 million for the Food and Drug Administration to better protect our public health. At the same time, the bill made cuts in a number of programs below 2009 totaling $274 million. We also rejected $735 million in increases in the budget request.

So rather than using targeted, precision cuts, as we have done with this bill, an across-the-board cut would hurt core programs, would increase the investment deficits our communities across the country have had to overcome in the past years regardless of the value of the program.

These increases are needed to support vital services and priorities, vital and effective programs which, quite frankly, have broad bipartisan support. The increases in these areas are needed to ensure adequate funding to support the food nutrition safety net for families that serve an estimated 10.1 million women and children in 2010, strengthen even more of America's commitment to meet humanitarian food aid needs, to enhance the FDA's capabilities to ensure the safety of our food and medical products.

The bill also uses a portion of the increase to make up for cuts to farm bill conservation programs. We did not accept the cuts to priority farm bill conservation programs that the 2010 budget proposed. That budget made significant cuts to wetlands research programs, farmland protection, wildlife habitat programs, all effective programs with backlogs of applications from farmers and from ranchers. All told, the committee bill provides hundreds of millions in funding above the 2010 budget for farm bill conservation programs. Thus the bill uses a significant portion of the increase to make up for the cuts.

In conclusion, I want to note that the increases in this bill are not based on the belief that we should just throw money at the challenges that we face. The increases are about meeting the Federal Government's obligations. Again, I think we need to take a look at core programs, whether it's USDA or FDA. The gentlewoman's amendment would force all of these agencies that cover rural development, food and drug safety, WIC, food stamps to seek drastic cuts in a time of acute need. I think this amendment is fiscally irresponsible. It will further harm our rural communities and our public health, and I urge my colleagues to oppose it.

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

Mrs. BLACKBURN. Mr. Chairman, the gentlewoman mentioned fiscal irresponsibility. I think that growing programs by 12 percent when they have already seen enormous, enormous increases is irresponsible.

We are asking to curtail the growth 5 percent. Curtail that growth 5 percent.

You know, the States have been a great lab of experimentation in this. And many States, including mine of Tennessee, have had across-the-board cuts, and they have used that to rein in the bureaucracy and say tighten your belts. Times are tough. Tighten your belts. And, Mr. Chairman, that is what we should do.

Priorities. She talked about priorities. How about the priority of the American taxpayer? How about the priority of the American farmer who writes that check to Uncle Sam every year and turns to his child and says, Guess what, you're not going to go to the university; you're going to go get another job and work another year before you can go.

□ 2115

These are priorities that are set aside while they meet our obligation to us. It is our responsibility to be good stewards of that dollar. And giving egregious raises—listen to this. McGovern-Dole International Food for Education and Child Nutrition Program grants, an increase of 99.5 percent; FDA salaries and expenses—and, trust me, Energy and Commerce, we've been after them for a long time—14.6 percent.

The list goes on and on.

The CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. How much time is available?

The CHAIR. The gentlewoman has 1½ minutes.

Ms. DELAURO. I would just like to say that this bill addresses the plight of the American farmers, rural America. And I don't come from rural America. I come from the Northeast. But I have farms.

I'm watching dairy farmers go out of business. That's happening all over the country. And watching the technical assistance programs with backlogs that are not addressing the needs of the American farmer.

This bill addresses those issues.

Mrs. BLACKBURN. If the gentlelady will yield.

Ms. DELAURO. I just have 1½ minutes left—and less than that now.

This bill is looking at how we can in fact meet the obligations that we have in a time of fiscal and economic crisis and economic insecurity all over this country. Under the jurisdiction of this bill is rural development. In addition to that, it protects the public health, which we're obligated to do. And when you see nine people die from peanut-based products because we cannot trace back, we cannot analyze, we do not have—

Mrs. BLACKBURN. If the gentlelady will yield, we have done plenty—

Ms. DELAURO. We do not have the tools that are necessary in order to be able to understand what happened. This bill addresses—

Mrs. BLACKBURN. Money doesn't solve that problem.

The CHAIR. The gentlewoman will suspend. The gentlewoman from Connecticut controls the time.

Ms. DELAURO. Across-the-board cuts apply a meat ax and don't have a precision cut and make a difference. I urge my colleagues to oppose the amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

PART E AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk, amendment No. 6.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part E amendment No. 6 offered by Mr. HENSARLING:

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 ''Animal and Plant Health Inspection Service—Salaries and Expenses'' shall be available for the National Biodiversity Conservation Strategy project, Kiski Basin, Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by $200,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. This is an amendment that would strike an earmark, better known as pork barrel spending. Specifically, $200,000 requested by the gentleman from Pennsylvania (Mr. MURTHA) for the Natural Biodiversity of Johnstown, Pennsylvania, for conservation strategy at the Kiski Basin.

If one goes to the Web site of Natural Biodiversity, they will learn that ''they control invasive, nonnative plants.''

''Holistic habitat management techniques are being used to restore riparian buffers on sites throughout the Kiski-Conemaugh and upper Juniata drainages.'' I hope I pronounced those properly.

Mr. Chairman, permit me to put this amendment into a broader context. Clearly, the national priority has got to be job growth, economic growth. And, by any standard, the economic policies of this Democratic Congress, the economic policies of this administration have been an abject failure: 2.6 million jobs lost since February—467,000 jobs lost last month alone; 9.5 percent unemployment throughout the land—the highest unemployment in a quarter of a century.

Mr. Chairman, what do we have to show for it? Nothing but debt. Mountains and mountains of debt in spending for our children and grandchildren, already. $9,810 per household to fund a $1.13 trillion government stimulus plan; $3,534 per household to fund a $410 billion omnibus; $31,000 per household to fund a $3.6 trillion 2010 budget.

Tripling, tripling the Federal debt in 10 years. More debt in the next 10 years than in the previous 220; billions for Chrysler; billions for GM; billions for AIG. Borrowing 46 cents on the dollar, borrowing it from the Chinese, sending the bill to our children and grandchildren. That's the context, Mr. Chairman.

So I ask one and only one thing. Here's an opportunity. Here's an opportunity for the taxpayers to maybe save $300,000. Not to borrow that money from the Chinese.

Now I have no idea—I have no doubt, I have no doubt that the gentleman from Pennsylvania is sincere. I'm sure good things can be done with this money by the Natural Biodiversity and their holistic habitat management program. I have no doubt that good things could be done with that money.

But let me tell you other good things that can be done with the money. That money could be used to go against the deficit so we don't borrow money from the Chinese, so we don't send the bill to our children and grandchildren. And if we're going to spend it, Mr. Chairman, maybe we ought to spend it on small businesses—small businesses that are capitalized with $25,000, on average, according to the SBA. We could save eight small businesses in America.

But, most importantly right now, we could tell America that we know what the priorities are—and it's not weed management by Natural Biodiversity in the Kiski River Basin. I have no idea how this became a national priority.

I'm sure, again, that important things can be done with the money, but is it worth borrowing the money from the Chinese and sending the bill to our children and our grandchildren? I think not.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim time in opposition to this amendment.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. DELAURO. Though the gentleman who sponsored this project could not be here tonight, he has provided me with the following information.

This is a conservation project for a not-for-profit volunteer program. Natural Biodiversity was initiated in response to citizens' concerns for invasive plant problems in the 1,887 square mile Kiski-Conemaugh drainage portion of the Allegheny River and Ohio River Basin.

Subsequent work has been expanded the geographic area to include the Juniata watershed of the Chesapeake Bay, the State of Pennsylvania, and a much larger mid-Atlantic region.

Invasive plant management work has led to innovative approaches, including

native plant restoration and comprehensive land stewardship practices. Some of their early achievements have been the early detection and rapid response to noxious weeds and 32 invasive plant locations; education and outreach to 10,000 people, with a potential audience of 500,000 each year; development of a management plan for the 1,000-square-mile Raystown branch of the Juniata River.

So, again, it is a not-for-profit volunteer program that is dealing with a concern and a large area about invasive plant problems. And I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Well, it was an interesting discussion, Mr. Chairman. I'm not sure it's worthy of borrowing $200,000 dollars from the Chinese and sending the bill to our children and grandchildren.

I'm sorry that the gentleman from Pennsylvania couldn't make it here tonight. I know he is busy with many, many earmarks. According to the April 19 edition of the Washington Post, MURTHA, dubbed the King of Pork by critics, consistently directs more Federal money to his district than any other Congressman—$192 million in the 2008 budget.

I don't know what the unemployment rate is in Johnstown, Pennsylvania, but around the rest of the Nation it's averaging 9.5 percent. And if he would choose not to spend $200,000 dollars for weed-whacking along this river basin, maybe we could have more jobs in the rest of America.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I was just going to make one comment, and that's about fiscal responsibility. I am delighted that the gentleman has gotten religion on fiscal responsibility. As I recall, he spent the last 8 years here witnessing the kinds of tax cuts that have provided the tax breaks for the wealthiest people in this Nation and now has brought this Nation to this fiscal crisis that we have and the indebtedness that we have. I think he must have been missing in action for these 8 years where we experienced this.

This indebtedness did not occur overnight. I once again urge my colleagues to vote in opposition to this amendment.

Mr. KINGSTON. Will the gentlelady yield?

Ms. DELAURO. I'd be happy to yield.

Mr. KINGSTON. I just wanted to say on behalf of the minority members I had planned to oppose this amendment and do believe that this research can be very helpful and know that many of the earmarks that have been in this bill have increased food safety and increased food supply and created jobs along the way and reduced food costs.

And so there are a lot of things that do kind of catch the eye that sometimes there is more to it than you can get out in a quick debate on it. But I do plan to oppose this, and wanted the chairwoman to know that.

Ms. DELAURO. I thank the gentleman. I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIR. Fifteen seconds.

Mr. HENSARLING. Mr. Chairman, I think it's very interesting to get a lecture from the gentlelady on fiscal responsibility, since she just voted for a budget that will triple the national debt over the next 10 years. When the deficit was $300 billion and falling, the majority leader STENY HOYER called it fiscal child abuse. Here's an earmark to add $200,000 to fiscal child abuse.

We ought to cut it out. And I urge adoption of my amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. 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. 2 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. 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 C amendment No. 2 offered by Mr. CAMPBELL:

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 Institute of Food and Agriculture—Research and Education Activities'' shall be available for the special grant for Specialty Crops in Indiana, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by $235,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, this amendment would eliminate a $235,000 earmark for Specialty Crops in Indiana, and reduces funding in the overall bill by that amount. According to the statement from the sponsor of the earmark, the gentleman from Indiana, this earmark of the Specialty Crops Research Extension and Training Center at the Southwest-Purdue Agricultural Center would go to increase their staff and upgrade equipment for the center.

Mr. Chairman, I'm sure—and I expect we will hear from the gentleman from Indiana—and I'm sure that he will talk about what he believes the benefits of this program or this center or the additional equipment that this earmark would buy is going to be to that center.

But, Mr. Chairman, as has been mentioned by the previous several speakers, and I'm sure will be mentioned by others, we are in a period of great fiscal strain, where we have a $2 trillion deficit running this year, another $1 trillion deficit every year for as far as the eye can see, and 46 cents of every dollar we spend on the floor of this House, 46 of every dollar this year will be borrowed.

□ 2130

Even the Congressional Budget Office just 2 weeks ago said that the current budget and the current budget trajectory is ''unsustainable.'' Mr. Chairman, given the situation that we're in, given the deficits we're running, given the debt we're building up, given the amount of money that we're borrowing, given the spending that we're going through, shouldn't we be limiting what we're spending now to true national priorities, true things that are really those things that we must do and can only do right now rather than things that are designed for a specific district, specific area or a specific industry? Mr. Chairman, I would suggest that this particular earmark is one of those things and does not rise to that level of national and critical importance that we should borrow another $108,000 from, as was said before, the Chinese, the Indians, whomever in order to fund this particular earmark.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield to the gentleman from Indiana.

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

Mr. ELLSWORTH. Mr. Chair, I would like to thank the distinguished chairwoman of the subcommittee for yielding.

I would like to thank her and her colleagues on the Agriculture appropriations subcommittee for not only approving this this year but also last year, and I rise in opposition to the gentleman's amendment.

Mr. Chair, I got home from Afghanistan 2 days ago; and while I was there in the Khost province, I was fortunate enough to visit with the Indiana National Guard. And besides their soldiering duties, some of other things they were doing was helping the Afghanistan agriculture farmers to better their practices of farming in Afghanistan. I would guess that if I asked the 14,000 farmers in Indiana in my district and if Mr. CAMPBELL asked the 132 farmers in his district, according to the 2007 agriculture census, and I have 9,000 farms in my district and Mr. CAMPBELL has 72 farms in his district, according to the same document, that if we asked those farmers in our two respective districts, Should we spend money in Afghanistan on their agriculture or spend

it right here in the United States, I'm just going to take a guess that they might say, let's spend some of it here. And that's what this amendment would try to preclude.

I'd like to take this opportunity, as Mr. CAMPBELL said, to defend this program because it was fully funded last year, and I'd ask that it would be funded this year again. This is the Specialty Crops Research, Extension, and Training Center at the Southwest-Purdue Agricultural Center. This project is a collaboration between Purdue University and Vincennes University. It is housed in Vincennes, Indiana. This farmland in Knox County, Indiana, is particularly well suited for growing fresh fruits and vegetables, and the Southwest-Purdue Agricultural Center provides an important resource for farmers to improve crop quality and yields and decrease pesticide use.

The request I submitted to the Appropriations Committee would direct funds, as Mr. CAMPBELL said, to the center for upgrades to their equipment and in personnel. Mr. Chair, they do a lot of great things there. This is critical for conducting research on crops in our area. I also will remind you that where I live in midwest Indiana is within a day's drive of 40 percent of the American population. Indiana is proud. We are proud of our farmers, and we're proud to supply food to the Midwest and across our country. And because approximately 40 percent of the Nation's population live within a day's drive of that area, we think it's extremely important to explore all of the possibilities of that area. And no one does it better than this extension and this agriculture center.

We all know the value of adding fresh fruits and vegetables to our diets, and Americans are struggling right now with obesity and related health issues. Proper diet and nutrition habits are critical components to making this country healthier. New expanded fruit and vegetable production is extremely critical. I think it's important to note that this is not new funding. This is in the USDA's appropriated funds. So who's better to say where this money might be spent, the Congressman who drives the streets and the roads and the highways and on the farms and talks to the farmers and the ranchers in southern Indiana or a bureaucrat sitting in a booth somewhere in Washington, D.C., that says, ''These people get this and these people get that''? I think it's the Congressman and the farmers from Indiana.

Ms. DELAURO. I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, as I said, I appreciate the gentleman from Indiana's eloquent defense of this, and I understand his point. But there are roughly 400 earmarks in this bill; and at some point, Mr. Chairman, we've got to stop. And one of the things the gentleman mentioned was that we're helping farmers in Afghanistan farm and should we do this or do that? But the fact is, we're doing both. And the fact is that many times in this Chamber we decide to spend money on everything. Let's spend money on this farm here and this farm here, and this crop here and this crop there, and this State here and this State there, and this country here and this country there. And it's that kind of spending where we aren't making the choices to spend on some things and not on others, where we aren't making the decision to spend within our means, where we aren't deciding that, we're not going to borrow the money, we're not going to tax them more money. We're going to take what we have, and we're going to it allocate that as efficiently as we can to the places we think are the most important and not just do it to everything has got stop, Mr. Chairman. I would suggest to my friends on the other side of the aisle, I understand that perhaps you think this is important, but what's more important is $2 trillion in additional debt this year, $13 trillion in debt overall, 46 cents on every dollar being borrowed, and most of it being borrowed from foreign nations and that it doesn't ever stop. According to the President's budget, it goes on and on and on. We have got to stop that.

I would just suggest that maybe we start with things like this. It isn't about whether the bureaucracy spends this or not. This bill would save that $235,000 and not borrow any more money. Whether it's here or somewhere else, at some point, Mr. Chairman, we have to begin to control the spending and not borrow and deficit spend so much. I just hope if we can't start tonight, let's start tomorrow.

I yield back the balance of my time.

Ms. DELAURO. How much time do I have?

The CHAIR. The gentlewoman from Connecticut has 1½ minutes remaining.

Ms. DELAURO. My colleague Mr. ELLSWORTH talked about this project and has defended it more than adequately. But considering the openness and the scrutiny that has gone into the process this year, I would urge my colleagues to defeat this amendment and continue the good efforts of the proposal that Mr. ELLSWORTH has made and the whole issue of specialty crops. I share that interest in specialty crops coming from the State of Connecticut where, in fact, that is what we do; and the importance of the research in that area is critical. Support his effort, and oppose the gentleman from California's amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. 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 D AMENDMENT NO. 9 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 D amendment No. 9 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 ''Agricultural Research Service—Salaries and Expenses'' shall be available for the Foundry Sand By-Products Utilization project in Beltsville, Maryland, and the aggregate amount otherwise provided under such heading is hereby reduced by $638,000.

The CHAIR. Pursuant to House Resolution 609, 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 thank the Chair.

Mr. Chairman, I know that it's a custom to address the Chair. I see the Speaker of the House is in the Chamber. If I could address her directly, what I would implore her to do is to—when we have the defense bill on the floor later this month, please make an open rule. Allow us the opportunity to challenge earmarks in the defense bill and then not limit us to just one or two or three. That defense bill will include literally hundreds and hundreds of earmarks that are no-bid contracts to private companies. And unless we have the ability to challenge them, they will go virtually unvetted because we know from sad experience they have not been vetted by the Appropriations Committee in the past.

I will just draw your attention to a headline in today's Roll Call, ''Justice Department this week filed criminal charges against a defense contractor who has received millions of dollars worth of earmarks.'' There will be another headline tomorrow and likely again the following day. We have investigations swirling outside. We have to be able to challenge these earmarks and to point out why it's wrong for this body to allow Members to earmark to their campaign contributors.

So while the Speaker is in the Chamber, I would just implore her—if I could speak to her directly—to allow an open rule, allow more debate on this subject.

But to the merits of the challenge to this earmark, this amendment would remove $638,000 in funding for the Beltsville, Maryland, Agricultural Research Center and reduce the overall cost of the bill by a commensurate amount.

According to the report accompanying this bill, this earmark is described as the, quote, Foundry Sand By-Products Utilization in Beltsville, Maryland.'' But if you look at the table that is in the report for this bill, it says that that research project that is going to the Foundry Sand By-Product Utilization is actually completed. So

it's a bit confusing as to what this earmark is actually for. There is a little different language in the certification letter and in the table that accompanies this bill. So I would ask the sponsor of this earmark to explain why we're earmarking funds seemingly for a project that has already been completed.

With that, I reserve the balance of my time.

Ms. DELAURO. Mr. Chair, I rise to claim time in opposition to this amendment.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Although the gentleman could not be here tonight, he has provided me with the following information:

This amendment seeks to eliminate funding for a research project at the Environmental Management and Byproduct Utilization Laboratory at the Beltsville Agricultural Research Center. This amendment would deprive taxpayers of the expertise acquired by Federal researchers and scientists. I just want to reiterate here. These are Federal employees at a federally owned research center. The effort is to study the potential reuses of one industrial byproduct—sand used in metal casting. The experts have enabled us through research currently being reviewed by their peers to discover ways to deal with the over 7 million tons of foundry sands that are estimated to be disposed of in our landfills annually. I think we need to continue to use their expertise.

There is considerable need for ongoing funding to study the beneficial uses of other industrial byproducts in agriculture. This includes discovering ways to prevent phosphorous from reaching our waterways, to improve soil characteristics and in sequestering carbon. The research also helps us to find ways to create new products from direct agricultural waste materials. Scientists, for example, as I understand this, have found a way to take carotene from chicken feathers, an example of a poultry byproduct to make high-quality biodegradable plastics for the horticultural industry. Finding these new uses not only would benefit American agricultural producers, it assists the American public and the environment by avoiding increasingly expensive options of sending these materials to a landfill. We need to allow these funds to be flexible as opposed to being directed at one specific material. For example, foundry sands. Since we cannot always be aware in advance of potential new beneficial uses of various industrially and agriculturally derived materials. I ask my colleagues to join me in opposing this amendment.

I reserve the balance of my time.

Mr. FLAKE. The gentlelady mentioned that these are Federal employees in a Federal institution and a Federal facility that would be receiving these earmarks and has great trust that they will do the right thing in executing this earmark. I just find that curious that the main reason that we have earmarks, supposedly—we continually are told—is because we're not going to let these faceless bureaucrats at Federal agencies decide where to spend our money. Yet we're saying that they can't make those decisions but they can carry out the earmark. I can tell you why it's done and why you will have both the minority and the majority in this House today on the Appropriations Committee oppose this amendment. It's because if you look in the ag amendments this year, 64 percent of the money, of the share of earmarks, 67 percent of the dollar value are going to either appropriators or powerful Members, either chairmen or ranking minority members of committees.

□ 2145

This is fairly consistent across all the appropriations bills we will do this year. It is a spoils system. That may be a pejorative way to say it, but I don't know how else to say it when 64 percent of the earmarks in this legislation will go to about 24 percent of the Members in this body. We continually say, like I said, that these faceless bureaucrats shouldn't be deciding where our money goes. If you are a rank-and-file Member in this House, I would take my chances with a faceless bureaucrat because you would probably fare better than you would before the Appropriations Committee. And this is how it is year after year after year.

Gratefully, we know it now because we have enough transparency where we know who is requesting the earmark. But this isn't right, and there are other worthy projects that might deserve this funding, but because a powerful Member is able to request it, then it goes there. And this is, I think, the fourth time that money has been appropriated for this project, which, according to the Web site of the requesting Member, the project has been completed. So I'm not sure exactly where the money is going if the project has been already completed. I guess it is starting again.

With that, I reserve the balance of my time.

Ms. DELAURO. How much time remains, Mr. Chairman?

The CHAIR. The gentlewoman has 2½ minutes.

Ms. DELAURO. The funding, just to address that, enables those who have worked on the project to continue their successes. Look, I do not pretend to be a scientist, and I would not pretend to tell the scientists how to pursue their research. Quite frankly, coming from the subcommittee in which I serve on Labor, Health and Human Services and Education, where we do provide funding for the National Institutes of Health, we do not—again, I'm not a scientist. We do not tell them how, where, and what to focus the resources on or a particular illness.

As is often the case, research will uncover other discoveries. Look, I will give you a very good example. There is research that has been done with Taxol, which is at the NIH, which was presumed to be effective in helping women who were suffering fourth-stage ovarian cancer, which is a time when it is almost irreversible. But as researchers began to develop research on Taxol, they began to find that its properties were also useful for breast cancer and other types of cancers. So what research does is it opens up a whole variety of avenues, and that is where discoveries are made.

I think we should leave these kinds of efforts to the scientists. This project is producing, and it will continue to produce with the aid of this funding, peer-reviewed research. My colleague and I believe this will be of great benefit.

Once again, as I say, we have been very open. There has been a great deal of scrutiny that has gone into this process this year. There have been new requirements that Chairman OBEY put into practice to continue our efforts to ensure that the appropriations process is open, that it is transparent, and that it is worthy of the public's trust. In terms of vetting each request with the agency under whose jurisdiction the earmark would fall, there has been public disclosure on Members' Web sites, and the committee made earmark lists available after the subcommittee consideration on the bill on June 11, nearly 4 weeks ago. And as indicated in our report, the funding earmarks in the Agriculture appropriations bill in 2008, 2009, were well below 2006.

The CHAIR. The time of the gentlewoman has expired. The gentleman from Arizona has 30 seconds.

Mr. FLAKE. I agree with the gentlelady when she says there is more transparency in the system now. That is true. That is a good thing. But we haven't drained the swamp. We simply know how deep the mud we are now in is. That is the problem. And the problem is when we trust the Federal agencies to carry out an earmark like this but we don't trust them to direct it.

We should set parameters. We should tell the Federal agencies, Here is how you should distribute the money, instead of saying, All right, I'm a powerful member of the Appropriations Committee or of leadership and I'm going to direct that money to my district.

I urge support of the amendment, and I yield back.

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. Mr. 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 D AMENDMENT NO. 4 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 D amendment No. 4 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 Institute of Food and Agriculture—Research and Education Activities'' shall be available for the special grant for the Agriculture Energy Innovation Center in Georgia, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by $1,000,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would remove $1 million from the University of Georgia's Agricultural Energy Innovation Center, located in Tifton, Georgia, and reduce the overall cost of the legislation by a commensurate amount. According to the sponsor's Web site, this funding would be used to advance farm efficiencies by coupling advanced information communication and control technologies with improved plant materials, byproducts use and energy capture and conversion techniques.

That sounds pretty impressive. I'm sure a lot of that is going on. The sponsor states this earmark is a good use of taxpayer dollars because the research and the demonstration project will facilitate the rapid advancement of new tools to increase the net production of energy from agriculture.

There is a lot of this going on around the country. We have appropriated a lot of money in a lot of bills to do this kind of thing, and it just strikes me as folly to, in a bill like this, just to be able to direct money for a Member to say, All right, the university in my district is going to get this research money. They won't have to compete for it on merit. They won't have to compete for it because I'm going to earmark it, and they are going to get it when maybe a university elsewhere, the University of Nebraska, the University of Minnesota or University of Arizona, might want to compete for that project but they can't because the money is earmarked and it goes specifically to this university.

With that, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I thank the gentleman for bringing this amendment to the floor. As one who is very involved in this earmark, I now have the opportunity to discuss it in detail. This is a program that works on future food production and technology by decreasing the cost of production and looking at ways to have some fuel independence. But what I wanted to emphasize to the gentleman, as he doesn't seem to have a problem with the merit of the project as much as the process of directing it to the University of Georgia, and I want to point out that the University of Georgia is a land grant university with one of the oldest agricultural colleges in the country. And they do compete for competitive grants on a regular basis, and they do get competitive grants. When they have put skin in the game, Congress has, in fact, not just for the University of Georgia, but for a lot of universities, put some matching money in it.

Now, in this case, the money is really not matching as the college itself has already put in about $5 million. And they have been working on this over the years, but they have gotten $500,000 from private foundations in 2010 and 2011. They will get $800,000 from private foundations. And then they have State money, and then they have university money in it. So it is not something where the $1 million is a new start-up for a program that is not out there. It is something that they have been going after.

Here is something from the State of Georgia, the Agriculture Energy Innovation Center, which we call GEFA. It is a letter in support of it, and of course, we do have something from the university itself supporting that the goal is in line with what colleges of agriculture and land grant universities do. But that is why the money went to the University of Georgia, and the Tifton campus is where they do much of their agricultural research.

I would invite the gentleman to come down and visit sometime and let me explain why the good people of Arizona should fund something like that in the State of Georgia, because often it is, well, why should everybody in the country support something that is going to a particular State? But when the end product is something that will help the whole Nation, that is what happens.

It is precision agriculture. One of the problems we have right now down on the farm is that you've got a lot of groups who are saying, All right, you're causing too much pollution. You're overfertilizing. You're using too much energy.

So, what we have here is a land grant university addressing those very issues which will not be proprietary in their results. It will be something that is shared throughout the Nation for other farmers to say, Now, look, here is how you can do it using high technology, using precision agriculture, saving lots of money and utilize those techniques all over the country.

With that, I will reserve the balance of my time.

Mr. FLAKE. According to the Georgia Department of Economic Development, Georgia currently has over $2 billion worth of active renewable energy-related products and is a leader in the bioenergy revolution. I have no doubt that that is true. And because that is true and because if this Agriculture Energy Innovation Center truly has merit, then they should be able to compete for these grants with other land grant colleges, with other universities, and with other organizations that are doing this same research.

My question is why, if you have such a deserving, respectable program like this, why do we need to earmark these dollars at all? Surely they can compete for it and do well. But why do we circumvent the process of competition simply because we are on the committee or we are a powerful chairman or a ranking minority member or somebody who can get this funding and earmark it so that nobody else can compete for it? That simply doesn't make sense.

If we don't like the way that the agencies are disbursing this money, then, by golly, we ought to address it. That is our job as Members of Congress. We have the power of the purse. But, instead, to say we don't like how that faceless bureaucrat is going to direct the spending so we are going to create a parallel process in Congress where we can just circumvent the process and earmark that money for our own university, that is simply not right, and it has gotten out of hand in this Congress.

Some people will point out that this year earmarks are down in this bill. That is a great thing, but they are not down far enough. We need a process that is competitive, that is based on merit and not based on the spoils system.

Again, I repeat, in this bill, 24 percent of the Members of this body will control more than two-thirds of the money that is directed through earmarks. Now, that is not because there is more merit in those programs. It is because we have powerful Members in those positions. And you can't make the argument that, oh, this is a land grant college or this is a deserving institution. If they were, they could compete for those dollars. But instead, we are circumventing that process of competition and awarding by earmark through the political process. Particularly when we have the kind of deficit that we have today, this legislation would strike this funding and reduce the cost of the bill by a commensurate amount.

How can any fiscal conservative say that we don't want to do that in this year when we are running a deficit that could reach $2 trillion? I would say it is time. And if we can't do it here, where will we do it?

With that, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, how much time is left?

The CHAIR. The gentleman from Georgia has 90 seconds remaining.

Ms. DELAURO. Will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Very quickly, I just want to tell the gentleman from Georgia that I will join him in urging a ''no'' vote on this amendment.

Mr. KINGSTON. I thank the gentlewoman.

And I want to say to my friend, number one, I am working on a number of amendments that we have offered in the subcommittee and in the full committee. Some were accepted, some were not. I have one that we will be discussing in a few minutes, a $400 million reduction in the spending in this. And I have to say, it kills me to say this just about, but I have to hand it to the Democrats. In 2006, this bill had $865 million worth of earmarks. Today's bill has $219 million. And I know the gentleman will say that is still too many, but one of the things that is real important is that there has been a reduction in earmarks.

In 2008, this bill had 623 earmarks, now it has 321. And it is still too much, but one of the things we still hear often is the proverbial Defense Department's $500 hammer. Well, that is because there are so many problems in defense procurement. But it is the same in all branches of government. So I don't think that Congress should just blindly turn everything over to bureaucracies who are going to come up with competitive grant programs. I do think it is proper for Congress to have a role in congressionally directed spending. But I want to emphasize that of a $5 million project, the University of Georgia has come up with $4 million, so they have put their skin in the game.

With that, I will yield the balance of my time.

□ 2200

Mr. FLAKE. May I inquire as to the time remaining.

The CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I am glad to hear the gentleman is introducing an amendment later that will save $400 million. I will gladly vote for the gentleman's amendment. I hope we will vote for mine.

We need to not only save $400 million; we need to save another million here. Why not, if it will reduce the cost of the bill by a commensurate amount, why wouldn't we take every opportunity to lower the deficit that we have and to pay down the debt?

We are in an awful fix here, and we are digging deeper and deeper with a bill like this that increases the overall spending by, I think, 12 percent from last year to this. Why not take every opportunity to cut the spending.

This is an opportunity. I plan to vote for every amendment that will cut any funding from this bill. But, please, if we have an opportunity here to cut $1 million, I would hope that we would do so.

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. Mr. 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 D AMENDMENT NO. 12 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as part D No. 12.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 12 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 Institute of Food and Agriculture—Research and Education Activities'' shall be available for special grants for Potato Research in Idaho, Oregon, and Washington, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by $1,037,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would remove slightly more than $1 million for potato research in Idaho, Oregon, Washington, and it would reduce the overall cost of the bill by a consistent amount.

Now, if you like earmarks, then this spud's for you, I guess. But if you don't, and if you think that we need to save some money somewhere, then I would urge support for this amendment.

According to one of the sponsors of the earmark, the potato industry generates about $3.4 billion throughout the State of Washington. In Idaho, the potato industry contributes nearly half a billion dollars in wages. Potato sales equal about $7 billion annually.

According to the USDA, last year potato farmers received nearly $3.9 billion for their crop. Now, how is it that this industry that receives billions of dollars a year isn't expected to invest in its own research? I know that it does some, but why are the taxpayers year after year ponying up more money to a $7 billion industry? This is a drop in the bucket to the industry, but a million dollars is a lot of money to the average American family.

According to one of the sponsors' Web sites, every dollar invested in potato research yields a $39 return. I would submit that for those of us who believe in the free market, that any dollar invested that yields a $39 return, then private industry will do well investing in its own research. We don't have to ask the taxpayer to pile on.

Potatoes were first introduced in the United States in the 1600s. They are now the fourth largest food crop in the world. They have sustained nations in time of famine due to their ability to survive in many climates, and they are inexpensive to harvest. Seventy-nine percent of U.S. households consume potatoes at least 1.8 times a week. I am included in that number.

I just don't know why we are asking, again, the taxpayer, to fund research over and over and over again for an industry that can clearly support itself here.

With that, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. With that, I will yield 2½ minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

I do admire my friend from Arizona. His persistence on this is absolutely incredible, and I share a lot of the goals that he is trying to accomplish.

I really think that the gentleman's problem is not so much with individual programs and maybe his problem is with the Ag-Research Service, and maybe the gentleman ought to introduce a bill to get rid of the Ag-Research Service, and that would probably take care of all the underlying problems.

But the point is the Ag-Research Service has been involved in research of a number of crops, including potatoes, for a number of years. This does go to the Northwest. Fifty percent of the potatoes that are grown in the United States are grown in Idaho, Washington and Oregon. There are three State universities that are involved. University of Idaho, Washington State University and Oregon State university submit funds for this research with these matching dollars.

In addition, the potato commissions in each of those respective States match those dollars. And as a result, we have developed varieties of potatoes now that are more disease resistant. I think the tonnage, for example, in the last 50 years has increased greatly in Washington State because of the new varieties, potatoes they have brought on the market. In fact, 100,000 acres are these new varieties that people may or may not like.

And, again, the issue is, okay, maybe we shouldn't have any research at all in government funded. That's another debate. And the gentleman had mentioned that only powerful Members of Congress, you know, get these earmarks. I would mention to the gentleman, before I came to Congress 15 years ago, this program was in existence and the funding this year is precisely level with last year. This is not new funding.

So I would suggest to the gentleman that in this case, with potatoes, they are not a program crop.

The CHAIR. The time of the gentleman has expired.

Mr. KINGSTON. I yield the gentleman an additional minute.

Mr. HASTINGS of Washington. When potato farmers go out and plant their crops, they are probably the biggest gamblers in the world. And yet they don't mind putting some of their hard-earned cash when they make a profit into this research, because that may make them an even bigger gambler next year with one of their varieties.

So I respect the gentleman with what he is trying to do, but his issue may not be with individual crops. And this amendment goes to an individual crop in my area. Maybe his issue is with Ag-Research Service in general, that's a matter for another debate.

Mr. FLAKE. My issue is with overall spending, one; two, is with the need to earmark. If this funding is receiving earmarks, basically, about a million dollars a year, when clearly you have an industry that is capable of funding its own research, now, I agree with the gentleman's point about this isn't one of the program crops; it's not wheat not corn. It's not a crop that gets massive subsidies under the farm bill. We shouldn't be doing those subsidies.

But two wrongs don't make a right. We shouldn't say, well, hey, we are subsidizing those, so we ought to bring some subsidy over here as well. The truth is we can't afford either of them now. We have a deficit of nearly $2 trillion this year. When I came to this institution just 8 years ago, our entire Federal budget was just around $2 trillion. Now we are going to have a deficit that equals that amount.

Can't we in this year at least say, you know, maybe we ought to cut back on potato research just a little. Maybe we ought to cut back on other earmarks in this bill because we are simply adding to the debt, adding to the deficit more than we can take.

So it's not just that I have an issue with agricultural research spending, but I do have an issue with the way it's allocated. Because, as I have already demonstrated, this is awarded based on a spoils system.

When just 14 percent of the Members in this body, those who are represented on the Appropriations Committee, direct more than half of the earmark spending in this bill, you have got a spoils system. I don't know what else to call it.

And that's one issue with this bill and why I am offering these amendments. And, two, if we don't like the way the Federal agencies are doing it, then we should direct them to do it differently. We should set parameters, but we shouldn't set up a parallel system and say, you award it that way, but we are going to direct ours this way.

I reserve the balance of my time.

Mr. KINGSTON. I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman.

And the reason why the gentleman from Arizona's amendment makes no sense at all is because the free market underinvests in public goods, public goods like education, like roads and research. The market will not put enough money into research, and the potato research program that Mr. FLAKE's amendment intends to cut has been highly successful in a multi-State effort in order to develop new commercial potato varieties.

The potatoes released from this program account for about 16 percent of current production. And the program not only creates new potato varieties for consumers; it also improves the nutritional value of potatoes and increases crop yields. In addition, this project provides significant environmental benefits, including reduction in the need for pesticides, water and fertilizer; and it fits into our overall goal of reducing energy consumption and increasing our production of the goods and services that we need.

Mr. FLAKE. I find it a curious assumption that the free market will not invest in research when one of the sponsors' Web sites, as I mentioned, states that every dollar invested in potato research results in a $39 return.

Now, any, any hedge fund, any investor of any type.

Mr. WU. Will the gentleman yield?

Mr. FLAKE. You bet, sure.

Mr. WU. The reason why the free market will underinvest, even though given that rate of return, it's whoever pays for the research doesn't reap the benefits. It's a public good. It's a basic of capitalist economic theory which the gentleman should understand.

Mr. FLAKE. I don't understand. I am sorry. If the return on investment, if the potato industry gets a return on an investment of $39 for every dollar returned, then it does reap some of the benefits. Yes, that potato is a public good, but it's also a private profit, unless we have socialized potato farming here, and I don't think we have.

The CHAIR. The time of the gentleman has expired.

Mr. FLAKE. I urge support of the amendment.

Mr. KINGSTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I appreciate the gentleman yielding and I do want to speak in opposition of this amendment, although I do support the gentleman from Arizona's effort to shine the late of day on spending, and I think that these debates are very important as we are making these decisions.

As has been mentioned, the funding in this bill does go for ongoing agricultural research, potatoes specifically in this amendment, and it does have a significant impact on the economy for the State of Washington and the Pacific Northwest. The ability of potato farmers to keep potato crops healthy and disease free, especially given the constant change in weather conditions and the arrival of new pests and disease, is an ongoing battle.

Yet through breeding research and variety development, potato growers have access to critical research that enables them to identify the strongest varieties for growth, production, storage and processing. Like most of us here, I am concerned about out-of-control spending. But I am also concerned about these tough economic times, and we should support measures that are going to grow the economy. This research does exactly that.

I urge my colleagues to vote ''no.''

Mr. KINGSTON. Mr. Chairman, 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. Mr. 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 B AMENDMENT NO. 7 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. 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. 7 offered by Mr. KINGSTON:

Page 74, after line 22, insert the following:

SEC. _____. None of the funds made available in this Act may be used to administer, or pay the salary or expenses of personnel for the administration of, the provision of broadband loans or loan guarantees made using authorities under this Act on or before September 15, 2010.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, for many years the funding level for broadband programs or Rural Loan Program was handled by the Rural Utility Service in the Department of Agriculture. That funding was about $400 million. With the stimulus package that we passed in February, $790 billion package, there was about $7 billion for broadband grants and loan programs.

Two and a half billion of that money went to the Department of Agriculture, and the rest went to a brand-new program which really did the same thing and duplicated what is done in the Department of Agriculture. It all should have gone there. But if you think about a program going from 400 million to about 7 billion, that's not a plus-up. That's winning the lottery.

Now, I can only focus on $2.5 trillion, and you can't even do that because that's already in the stimulus bill already passed into law, but we can't focus on the $400 million.

□ 2215

What this amendment does, and frankly if I could have offered a cleaner amendment, I would have just had a straight cut of the $400 million. But what this does, it is similar; it says you can't use the $400 million that is in this until we have used the $2.5 billion that has already been passed into law.

The reason why that is important is when the stimulus bill was passed, there was so much talk about we are going to use this money immediately, shovel-ready projects, jobs will be created. And as we know, that was when the unemployment level was 8 percent and now it is nearly 10 percent. It has not stopped the bleed and job loss. But the fact is that $2.5 billion is still sitting there, and yet we are coming along now and giving another $400 million.

What this amendment says is we can't use the $400 million until the $2.5 billion is paid down. I urge support of the amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, rural broadband connects people and communities, gives them access to information on everything from health and housing and education to public safety and economic development. It also gives people access to opportunity.

As the Internet continues to grow and develop, and as it plays a larger and larger role in driving our 21st century economy, we simply cannot afford to let rural areas languish behind the rest of the country.

An earlier generation of leaders used Federal investment to help wire rural areas for electricity. What we are trying to do is give citizens in rural areas the tools they need to compete and excel in this economy.

By prohibiting funds from being used to administer or pay the salary of personnel who would administer USDA's broadband loans, the gentleman's amendment would gut this critical program at a time when we need to redouble our efforts in this area.

Let's be clear. In proposing to stop the administration of loans, the gentleman is also asking Congress to stop critical oversight and monitoring of existing borrowers, functions that the government cannot afford to lose, especially if we are to ensure that taxpayers' dollars are well spent.

No one can deny the need to expand access. The United States is currently 15th in the world in providing broadband service. Only 38 percent of those living in rural America now have broadband at home, compared to 55 percent of all adult Americans. In rural communities, 24 percent of dial-up users said broadband wasn't available where they lived, more than 7 times those in cities.

This is not a partisan issue. There is unanimous support for increased broadband service to rural communities. Few people disagree. Expanding broadband is the type of Federal program that cannot only connect rural areas to the global community, but also generate great growth in rural America and pay very big dividends for our Nation.

The bill makes important investments in rural broadband, provides $418 million for broadband loans and grants. It includes an appropriation of $81.6 million, an increase above $18 million of the amount available for 2009.

It includes distance learning. The funding is there for distance learning and telemedicine grants, for broadband telecommunications loan subsidy. This is an investment that requires national leadership, which is why we included a significant amount in the recovery program. It was $2.5 billion to rural utility services and more than $7 billion in total. There is already a substantial demand for the funding. The funding increases in this legislation help to build on the investment that was made in the Recovery Act, and it will help us to realize a strong economic return. For every dollar invested in broadband, the economy sees a tenfold return on that investment.

As the Farm Bureau noted regarding new investments in broadband, the $7.2 billion allocated for broadband will help rural communities participate in a recovering economy, while modernizing rural education and health care. It creates an economic opportunity for rural Americans, allows farmers and ranchers to take advantage of the technology to help them remain profitable and competitive.

I do not think this is the time to be gutting this program, particularly given the delicate state of our economic recovery. We need to do everything we can right now to promote rather than stifle economic innovation in small towns. I urge my colleagues to oppose the Kingston amendment.

I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I want to say to my friend, the chairwoman of the committee, that is a very eloquent argument for the use of a broadband loan program, but it has nothing to do with this amendment because the broadband loan program is not under trial here.

But let me explain it this way to the Members who are not on the committee. I love going to Ryan's, and they probably have Ryan's in Connecticut, but Ryan's is one of those all-you-can-eat buffets. You go through the line and there is fried chicken and there is fried fish, and fried catfish, probably imported, who knows? There are all kinds of vegetables and desserts. You go through and you fill your plate up, and then you are allowed for the $8 price to go back and get some more food.

Well, let's just think going through the line was the stimulus program, Mr. Chairman. We filled up our plates, and I often found myself as a father of four saying to my kids, you can't go get more food until you finish what is on your plate. It just makes sense. Go ahead and eat the four pieces of fried chicken that you got before you go and grab another one that you don't have and you don't need. That is all this amendment is. It is not a trial of broadband. Broadband is funded by $2.5 billion under the RUS in the USDA under existing law, period. So $2.5 billion.

And all I am saying to the oftentimes gluttonous government here in Washington, D.C., is, don't go back through the buffet line until you have consumed what you've got. And when you have emptied that plate, then you can go back and get that fifth piece of fried chicken in the form of $400 million for broadband loans. At that point I don't know who we will be loaning the money to because, as I said earlier, there is another $3.5 billion in another program in another department. But that, too, is a matter of law, and that is not under scrutiny either.

The only thing I am saying is what I have said to my four children over the years when we would go to the Ryan buffet: Don't get more food on your plate until you finish what you've got. I urge support of this.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, this amendment would be very much against the interest of rural America. There is no community in this country that will have a decent economic future if they cannot be competitive by being attached to modern technology, and that certainly includes broadband.

The gentleman has mentioned the economic recovery package and the funds that have been appropriated there, and he has made much of the fact that that money has not gone out. We are only 4 months into a program that is supposed to last 30 months, and so I urge the gentleman to wait a few months to see what happens on that project. I think you will see money moving out.

The only other point I would make is this: If you think there is too much money for broadband in the budget, the worst place in the world to take it out of is the USDA. When this program was first proposed in the stimulus package, the Obama administration proposed putting all of the money in the Commerce Department. People like me objected because we know the history of rural America. We understand why REAs had to be created to go into rural areas because the big power companies wouldn't bother, because they couldn't make enough money going into rural areas. It's the same score now. Your big companies don't want to go into rural areas without subsidy on broadband. The fact is you can trust the Agriculture Department to focus

much more on the needs of rural America than you can the Commerce Department. That's why we put the additional money in. And to take $400 million out of the Agriculture Department now would be a major mistake if you care about the future economic health of rural America.

Ms. DELAURO. I thank the gentleman.

You know, I think this is truly about the economic revitalization of a part of the country that has been so sorely lacking, and the application process—

The CHAIR. The time of the gentlewoman has expired.

Mr. KINGSTON. Mr. Chairman, I yield 10 seconds to my friend to finish her sentence.

Ms. DELAURO. Well, I was just saying that the process on the economic recovery package, the application process is underway. It began at the beginning of this month. That money is going out. The demand is up for broadband. Let's give rural America a fighting chance.

Mr. KINGSTON. Let me say this, representing a very rural district, a district where you can't get cell phone coverage, and a lot of the wireless technology is in already, I support what is going on. I agree with the chairman; it would have been nice for all of the money to go into RUS and not the Department of Commerce because it was an existing infrastructure for making this loan program.

The only thing I am saying is you don't get the new money until you have spent the existing money.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KINGSTON. Mr. 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 Georgia will be postponed.

Ms. DELAURO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. KOSMAS) having assumed the chair, Mr. SNYDER, 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. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b–3, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. KILDEE, Michigan

Ms. DEGETTE, Colorado

COMMUNICATION FROM THE REPUBLICAN LEADER

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 2, 2009.

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

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 88b–3, amended by section 2 of the House Page Board Revision Act of 2007, I am pleased to re-appoint the Honorable Rob Bishop of Utah and the Honorable Virginia Foxx of North Carolina to the Page Board. Both Mr. Bishop and Mrs. Foxx have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

REAPPOINTMENT AS MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b–3, amended by section 2 of the House Page Board Revision Act of 2007, and the order of the House of January 6, 2009, the Chair announces the Speaker's and minority leader's joint reappointment of the following individuals to the House of Representatives Page Board for a term of 1 year, effective July 8, 2009:

Ms. Lynn Silversmith Klein of Maryland

Mr. Adam Jones of Michigan

HEALTH CARE DEBATE

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

Mr. BLUNT. As we approach this debate on health care, there are Republican principles that have been out there a long time that are going to be followed this week by legislation. One of those principles is to ensure that medical decisions are made by patients and doctors, not by government bureaucrats.

I am going to insert in the RECORD an article from yesterday's Wall Street Journal. The title is ''Of NICE and Men,'' NICE being the National Institute for Health and Clinical Excellence in Great Britain. And this article talks about what happens when you have rationed care.

Great Britain has one of the lowest survival rates in Europe from cancer. And in Europe generally, if you compare Europe to the United States, breast cancer survivors, 84 percent in the United States, 73 percent in Europe; prostate cancer survivors, 92 percent in the United States, 57 percent in Europe.

People need to have more choices, not less choices. We need a more competitive marketplace, not a less competitive marketplace. A government competitor will drive away all other competitors. That will be a critical part of this debate.

[From the Wall Street Journal, July 7, 2009]

OF NICE AND MEN

Speaking to the American Medical Association last month, President Obama waxed enthusiastic about countries that ''spend less'' than the U.S. on health care. He's right that many countries do, but what he doesn't want to explain is how they ration care to do it.

Take the United Kingdom, which is often praised for spending as little as half as much per capita on health care as the U.S. Credit for this cost containment goes in large part to the National Institute for Health and Clinical Excellence, or NICE. Americans should understand how NICE works because under ObamaCare it will eventually be coming to a hospital near you.

The British officials who established NICE in the late 1990s pitched it as a body that would ensure that the government-run National Health System used ''best practices'' in medicine. As the Guardian reported in 1998: ''Health ministers are setting up [NICE], designed to ensure that every treatment, operation, or medicine used is the proven best. It will root out under-performing doctors and useless treatments, spreading best practices everywhere.''

What NICE has become in practice is a rationing board. As health costs have exploded in Britain as in most developed countries, NICE has become the heavy that reduces spending by limiting the treatments that 61 million citizens are allowed to receive through the NHS. For example:

In March, NICE ruled against the use of two drugs, Lapatinib and Sutent, that prolong the life of those with certain forms of breast and stomach cancer. This followed on a 2008 ruling against drugs—including Sutent, which costs about $50,000—that would help terminally ill kidney-cancer patients. After last year's ruling, Peter Littlejohns, NICE's clinical and public health director, noted that ''there is a limited pot of money,'' that the drugs were of ''marginal benefit at quite often an extreme cost,'' and the money might be better spent elsewhere.

In 2007, the board restricted access to two drugs for macular degeneration, a cause of blindness. The drug Macugen was blocked outright. The other, Lucentis, was limited to a particular category of individuals with the disease, restricting it to about one in five sufferers. Even then, the drug was only approved for use in one eye, meaning those lucky enough to get it would still go blind in the other. As Andrew Dillon, the chief executive of NICE, explained at the time: ''When treatments are very expensive, we have to use them where they give the most benefit to patients.''

NICE has limited the use of Alzheimer's drugs, including Aricept, for patients in the early stages of the disease. Doctors in the U.K. argued vociferously that the most effective way to slow the progress of the disease is to give drugs at the first sign of dementia. NICE ruled the drugs were not ''cost effective'' in early stages.

Other NICE rulings include the rejection of Kineret, a drug for rheumatoid arthritis; Avonex, which reduces the relapse rate in patients with multiple sclerosis; and

lenalidomide, which fights multiple myeloma. Private U.S. insurers often cover all, or at least portions, of the cost of many of these NICE-denied drugs.

NICE has also produced guidance that restrains certain surgical operations and treatments. NICE has restrictions on fertility treatments, as well as on procedures for back pain, including surgeries and steroid injections. The U.K. has recently been absorbed by the cases of several young women who developed cervical cancer after being denied pap smears by a related health authority, the Cervical Screening Programme, which in order to reduce government healthcare spending has refused the screens to women under age 25.

We could go on. NICE is the target of frequent protests and lawsuits, and at times under political pressure has reversed or watered-down its rulings. But it has by now established the principle that the only way to control health-care costs is for this panel of medical high priests to dictate limits on certain kinds of care to certain classes of patients.

The NICE board even has a mathematical formula for doing so, based on a ''quality adjusted life year.'' While the guidelines are complex, NICE currently holds that, except in unusual cases, Britain cannot afford to spend more than about $22,000 to extend a life by six months. Why $22,000? It seems to be arbitrary, calculated mainly based on how much the government wants to spend on health care. That figure has remained fairly constant since NICE was established and doesn't adjust for either overall or medical inflation.

Proponents argue that such cost-benefit analysis has to figure into health-care decisions, and that any medical system rations care in some way. And it is true that U.S. private insurers also deny reimbursement for some kinds of care. The core issue is whether those decisions are going to be dictated by the brute force of politics (NICE) or by prices (a private insurance system).

The last six months of life are a particularly difficult moral issue because that is when most health-care spending occurs. But who would you rather have making decisions about whether a treatment is worth the price—the combination of you, your doctor and a private insurer, or a government board that cuts everyone off at $22,000?

One virtue of a private system is that competition allows choice and experimentation. To take an example from one of our recent editorials, Medicare today refuses to reimburse for the new, less invasive preventive treatment known as a virtual colonoscopy, but such private insurers as Cigna and United Healthcare do. As clinical evidence accumulates on the virtual colonoscopy, doctors and insurers will be able to adjust their practices accordingly. NICE merely issues orders, and patients have little recourse.

This has medical consequences. The Concord study published in 2008 showed that cancer survival rates in Britain are among the worst in Europe. Five-year survival rates among U.S. cancer patients are also significantly higher than in Europe: 84% vs. 73% for breast cancer, 92% vs. 57% for prostate cancer. While there is more than one reason for this difference, surely one is medical innovation and the greater U.S. willingness to reimburse for it.

The NICE precedent also undercuts the Obama Administration's argument that vast health savings can be gleaned simply by automating health records or squeezing out ''waste.'' Britain has tried all of that but ultimately has concluded that it can only rein in costs by limiting care. The logic of a health-care system dominated by government is that it always ends up with some version of a NICE board that makes these life-or-death treatment decisions. The Administration's new Council for Comparative Effectiveness Research currently lacks the authority of NICE. But over time, if the Obama plan passes and taxpayer costs inevitably soar, it could quickly gain it.

Mr. Obama and Democrats claim they can expand subsidies for tens of millions of Americans, while saving money and improving the quality of care. It can't possibly be done. The inevitable result of their plan will be some version of a NICE board that will tell millions of Americans that they are too young, or too old, or too sick to be worth paying to care for.

□ 2230

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

HONORING THE LIFE OF CAPTAIN MARK GARNER

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

Ms. FOXX. Madam Speaker, I rise today to honor the extraordinary sacrifice, patriotism, and heroism of Captain Mark Garner from Elkin, North Carolina. Captain Garner, an officer in the 82nd Airborne Division, fell in the line of duty in Afghanistan Monday when a roadside bomb exploded under the vehicle in which he and three others were riding.

Captain Garner was assigned to B Company, 1st Battalion, 4th Infantry Regiment, Hohenfels, Germany. Dedicated to unyielding service to others, he was among seven U.S. troops killed in what was described as one of the deadliest days for U.S. troops in Afghanistan since 2001.

Captain Garner was an outstanding leader throughout high school, college, and in the United States military. He graduated from Elkin High School in 1997, where he excelled in sports and won several football, basketball, and baseball awards.

In 2002, Captain Garner graduated from the United States Military Academy at West Point as a second lieutenant. He was then assigned to an infantry unit at Fort Bragg, North Carolina.

Captain Garner leaves behind his loving parents and his wife, Nickayla. His absence leaves a hole in the hearts of the Garner and Myers families, the tight-knit community of Elkin, North Carolina, and the 82nd Airborne community.

Captain Garner was described by his friends and family as having lived to serve and sacrifice for others. From a young age, he aspired to be a soldier. He will long be remembered as a man who knew the meaning of service, sacrifice, and the call of duty to his family and his country.

Madam Speaker, my thoughts and prayers are with Captain Garner's wife, parents, and extended family. May they feel God's comforting presence during this difficult time.

We pause to honor his memory and express our gratitude to his great bravery and profound sacrifice. Our Nation is a better place for his having been among us and is blessed to call him an honored son. We mourn his passing, and we pledge our dedication to the family he left behind.

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

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

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

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

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

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

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

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

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

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

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

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

NATO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized

for 60 minutes as the designee of the minority leader.

Mr. ROHRABACHER. Madam Speaker, I rise tonight on the return of President Obama from his perhaps groundbreaking visit to Russia. I, as well, have recently returned from Russia.

I was there just prior to President Obama's visit, and I rise tonight to discuss America's relationship with Russia, as well as our continued involvement in NATO, as well as today's threats of radical Islam and tomorrow's looming threat of a powerful Communist China.

First and foremost, I think it's important for us to take a look at history, take a look at the present, and take a look at the future concerning America's exact positioning overseas. First and foremost, that would mean today that we need to look at NATO, the North Atlantic Treaty Organization.

This organization, of course, if we are honest with ourselves, should be looked at not as an institution we should be relying on today but, instead, a relic of the cold war. Not only is it strategically irrelevant today, but it may be actually making the world less stable and our country less secure.

Of course the United States needs to cooperate with other countries, and as such we need to reach out to potential friends in every part of the world, but when a relationship with another country or a group of countries no longer serves the goals of freedom, security and prosperity, when we no longer share those interests that bind us together as a people, we need to dissolve those relationships and seek different ones.

We now have reached a point with NATO where we should take a second look at NATO and perhaps think about what type of relationships we can have in the future that would better serve our country and the cause of peace.

NATO was a vital component to American security and world peace efforts in the late 1940s. In fact, in 1949, it was what an international relations theorist might call a tenet of realistic theory that we should form a powerful alliance to counteract the hostility of the Soviet Union and the threat of the expanding realm of communism, tyranny and militarism. That was in the late 1940s.

It made sense to strengthen our NATO alliance during the 1950s while the USSR was forming its Warsaw Pact and while the fall of China to Communist tyrants and the Korean Wars halted the vision of a peaceful world that we had hoped for in the aftermath of World War II. But it is no longer the 1950s. The cold war is over. This is the 21st century, and NATO no longer serves its purposes and is, in many ways, counterproductive.

Ronald Reagan's visionary leadership and the unrelenting courage of the American people brought an end to the USSR and the Warsaw Pact and also to the Berlin Wall. Eastern Europe was freed at this time. And in the 1990s, the Russian Federation, freed from its Soviet shackles, had a real opportunity to partner with the West, to embrace classical liberalism and free market economics. And we, of course, created this relic.

NATO had a major impact in defending the peace and deterring a war with Russia up until this point. And let this cold warrior, who was very deeply involved in the cold war and supported cold war policies to the hilt, let me shock you by suggesting that Russia, after the fall of communism, attempted to embrace classical liberalism and free market economics. The Russian people and the Russian Government wanted to be part of the western community of nations. The door was open, and the Russians were not only willing but anxious to leave the cold war hostilities behind.

Well, we squandered this historic opportunity. Worse than that, we let rotten elements in the West ally themselves with looters there in Russia who were there taking advantage of Russia's weakened and vulnerable condition. The Russian people, rejected and isolated when they expected to be partners in building a new world, sunk into deep despair.

Now, it's easy, in hindsight, to look at the end of the cold war and to point out the mistakes that have been made since the end of the cold war. And it's easy to do that now because it has become clear that many, many mistakes were made by us and by our European allies and friends. Now, however, is not the time to lay blame. Now is the time to admit what has been wrong and to try to set things right and to push, as President Obama has said and Secretary of State Clinton has said, to push a reset button with the Russians. And, I would add, probably push the reset button with Russia and pull the plug on NATO. So let's look to the future. Let's take actions today that will overcome past mistakes and lead the world to a bright and prosperous future.

Ronald Reagan used to say that the Oval Office was not his office; he was just a caretaker, a temporary occupant. Well, Americans today, all of us who are fortunate enough to live in this great country of ours, are merely caretakers of this place for a relatively short period of time. We have inherited this country from those brave freedom-loving souls who came before us, and we will pass it on to our children and our grandchildren just as it was passed on to us because that was the right thing to do, and those who came before us took those stands that were right and courageous.

The stand today meaning, for me, that I'm making a new world for my children, my three small children, Anika, Tristan and Christian, who are now 5 years old, and will live in a country that will ensure liberty, justice, security, and hopefully prosperity, to its entire people. The decisions we make now will have long-term effects and be affecting my children and all the children of America today.

Reagan gave us two decades of peace and prosperity because he did the right thing. The consequences of our actions since Reagan, however, are becoming more evident and more alarming with each passing day. We must have the wisdom and the courage to confront the enormous foreign policy challenges facing us and prevail over those forces which would, if they could, destroy America and would destroy our way of life.

The national security threats before us are real and did not materialize out of thin air. But contrary to the dominant paradigm of our era, our ongoing relationship with NATO since the end of the cold war has not worked to our benefit, nor does it make peace, stability, or our Nation's security more likely.

NATO has recently engaged in a number of operations, for example, around the world, from fighting the Taliban to combating pirates, but whether one views these missions as relatively successful or a failure, one can hardly look at them and not realize that the cost of our continued involvement in NATO certainly outweighs the benefits.

In Afghanistan, the other 27 NATO countries sent a combined force of less than 5,000 troops, many in noncombatant positions. These 5,000 troops are there as part of a coalition force. While these fighters from our NATO partners are heroic and are helpful, they are dwarfed in comparison to the number of American boots on the ground.

The original members of NATO were the Americans, the French, the U.K., the Canadians, the Turks, and other European countries. Well, now add to that list Albania and Croatia, and others, and there is also talk about expanding NATO membership to other countries, smaller countries with little military relevance to the modern world.

One of the primary tenets of NATO membership is that any member will come to the defense of any other member if attacked. But realistically, is the United States going to come to the aid of these other countries at any time, and is the reverse of that proposition worth the cost to us? Do we need Albania or Croatia to come to our aid if we are attacked? The answer is obviously no.

And let us note that NATO's existence is unnecessary, and there is no strategic reason for us to stay in the alliance. And let us also admit that NATO can be counterproductive to the peace by, for example, convincing people with territorial disputes, like the Government of Georgia, the United States—I think that an impartial analysis of what happened in Georgia is that the United States, through our discussions of NATO with that government, emboldened that government,

the Government of Georgia, not to make compromises that were necessary for peace and stability in that region.

But not only did they not make the compromises, they perhaps were emboldened to conduct a military operation. And while the people of the United States were told over and over again that Russia had done something horrible in that part of the world and confronting Georgia and that it was all the Russians' fault, and all kinds of language that was used that would make it look like Russia was doing something evil and villainous, but the fact is that once you took a second look at what happened in Georgia, Georgian troops broke a truce that had been carried on for 7 years. And when it broke the truce and invaded two parts of what had been part of Georgia—let me note, the Osselians and the Abkhazians, who are the two areas that did not want to be part of Georgia, they had never been part of Georgia historically until Joseph Stalin made them part of Georgia.

□ 2245

And the Georgian Government, of course, emboldened by our talks with them about NATO's support, broke an agreement, a truce agreement, and conducted a military invasion of those two breakaway regions, which ended up, of course, in a major loss of life and a counterattack by Russia on Georgia.

Now, do we as Americans believe that we should have been involved in that? Does anyone believe that the United States should actually have Georgia as part of NATO or any of these other smaller countries in that part of the world as part of NATO so if there is a territorial dispute that we will send American troops into this far-off area and fight a battle perhaps with a country like Russia? Considering that this, of course, is in Russia's neighborhood and on the other side of the world from our country, that doesn't make sense. But it doesn't make sense at all for the United States to be in an alliance that might drag us into such conflicts that we have nothing to do with.

So if Georgia wants to become part of NATO or other countries like that, if Albania and Croatia, countries that I am very sympathetic with, and, by the way, I am sympathetic with Georgia. I am sympathetic with Georgia's wanting to be a separate country from what was then the Soviet Union and later became Russia and broke away. They had my total support in that, just as the Kosovars in Kosovo had a right not to be part of Serbia. But does that mean that we are going to enter into agreements with Kosovo or with Georgia or any of these other countries saying that we will use U.S. troops as part of a NATO agreement to guarantee the borders that they claim? That's ridiculous. If Albania and Croatia, two good countries, countries I like and support, if they do want to become part of NATO, well, that's okay with me. But in this case, perhaps, if they're getting into NATO, we should be getting out of NATO.

Because Americans are an open-minded people, we are more than willing to enter into relationships with other countries. And I am not suggesting isolationism, nor am I suggesting that we should not have bilateral agreements, perhaps even defense agreements with other countries. We are by our very nature networkers. Even at young ages people are using Facebook and Twitter, perhaps talking to friends who are on the Internet all over the world. And it is that sort of a sense of building alliances and relationships that is natural to Americans. We do this sort of thing at the government level too. At the outset of the Cold War, we saw a clear and present Soviet threat, and we went to work strengthening our existing relationships with friendly countries and building new relationships with other countries. Well, we should create alliances, as I said, but we need to be realistic and honest in our assessment of the factors that are in play.

For whatever reason, perhaps just the lingering of Cold War attitudes and predispositions, Russia, which should have been a natural friend, Russia faces the same adversaries that the United States faces, but Russia has been positioned as our adversary. As I say, maybe that's a lingering of the Cold War mentality on our side, or maybe it's a lingering of the Cold War mentality on both sides that have brought us to this point, or maybe it's simply that we do not understand the Russian people and are wary about becoming their friends. But that would be contrary to America's personality. We are proud, and sometimes arrogantly so, but we are a friendly people. Whatever the reason, let this Cold warrior proclaim that the Russian people are a good-hearted people and they have the potential to be great friends to and allies of the United States of America. And that's us.

There was no more fierce opponent of the Soviet Government and of Marxist-Leninist tyranny than I was during the Cold War. During the Soviet war in Afghanistan, I went there to Afghanistan and fought briefly along the side of Afghan warriors, the mujahideen, who were engaged in battle against a Soviet Army occupying their country. I personally was engaged in combat operations against Soviet troops during the Cold War. Very few people can say that.

My chest swelled with pride every time Ronald Reagan spoke about the freedom for all subjugated peoples, including the Russian people, and I helped prepare some of those speeches that he gave as President. I was Ronald Reagan's speech writer for 7 years. When the President of the United States, Ronald Reagan, pleaded with Gorbachev to tear down the Berlin Wall, I was part of the team that broke through the foreign policy establishment's blockade that would have neutered this historic freedom statement even before Ronald Reagan gave it. And I cried with joy and retrospect when that wall finally came crashing down, hammered and chiseled down by freedom-loving people on both sides of that grotesquely evil barrier. I despised the Soviet Union because I loved freedom. Freedom for all people, including the Russian people.

I was just in Russia and I met a Russian who had been active in his government and active in fighting for his government during the Cold War, and I told him, I had been your worst enemy during the Cold War. And he stopped me and he said, No, no. You weren't the Russian people's worst enemy. You were the enemy of communist tyranny, and thank God for that. There are many Russians today that fully understand that they have left communist tyranny behind and it is a wonderful opportunity for them now.

But the Cold War was not a war between our people. We didn't have a fight with the Russian people. It was a conflict of ideologies. The Russian people were victimized by communism just as the people of the West were threatened by communism. But the Russians are a wonderful and a creative people. They share many personal values with us, their sense of humor, their love of children, of fun, of drink, of dance, and, yes, their reverence for God and faith that was never beaten out of them by atheistic communism, which held them in its grip for five decades. There was openness and vulnerability of these people as the Soviet Communist system collapsed. Yet they were vulnerable, and yet we did not do what was right by them.

The Russians and the Americans share more than cultural traits. We now share very real common threats to our countries. And those are radical Islam, which is upon us, and a totalitarian China, which is rapidly becoming an enormously negative power in the world.

The totalitarian Government of China is the world's worst human rights abuser. It is a natural enemy of the United States. It is also an enemy and a threat to Russia. Yet we embrace that government, the world's worst human rights abuser, Communist China, and we build their economy. We build their manufacturing base and their technological capabilities even while simultaneously at the same time we find ways to continue hostilities and noncooperation with Russia. With open trade policies, credits, investment, and technology transfers, we run up massive trade deficits with China, and we haven't even been able to bring ourselves to officially end Jackson-Vanik economic restrictions on Russia. These are holdovers. The Jackson-Vanik restrictions on Russia are holdovers from the Cold War days. It is an insult and a sign of our own incompetence that we have not been able to lift the Jackson-Vanik restrictions on Russia. It's a joke, a cruel joke, when

we even mention it to the Russians now after two decades of promising that these restrictions would be eliminated. All this, all this while we give China every benefit.

Well, this relationship with Russia as well as our relationship with China has been wrongheaded and gravely so. China, in stark contrast to the great changes in Russia, where there has been political reform, where you have opposition parties and, yes, there are imperfections, but you go there and there is talk radio show complaining about leadership in Russia. In Russia you do have opposition parties, but, of course, the current party that's in power by its very nature is more popular because it won the election. And there were people on the ballot, but they were not elected. Well, there has been reform in Russia, although it's not perfect. It's far from perfect.

But there has been no liberalization in China. China is not a worthy trading partner. China is not a worthy trading partner in any respect of the word, not an economic partner; and it's not a partner for peace nor is it a partner for world stability. China has had no reform of its political power structure, and it is, unfortunately, our most likely future enemy. Those words are very hard for me to say. They are not our enemy now, but it is clear that unless we have political reform in China, liberalization there, and the dictatorship there continues to grow stronger, it will be and it is today America's most likely future enemy. It is already a deadly economic competitor of our people, and it is also openly hostile to those basic values which make us Americans: a respect for human rights, religious freedom, the environmental stewardship that we have taken upon ourselves in recent years, treating each person with common decency. These things are not part of the Communist Chinese Government's agenda. In fact, they see these things as contrary to their basic concepts of what government should be all about and what their society should be all about, while we see these things as positive elements that should be fostered and nurtured in our society: human rights, religious freedom, environmental stewardship, prosperity, openness, opportunity.

Because of the irreconcilable differences between the United States and the Communist Party apparatus in China, our current relationship with China has resulted in an economic and security disaster for America. It is time to have the courage to admit this fact, and it is time to reverse the poor decisions and bad policies that have made the world that we live in and led us to this point. If these are not reversed, if the policies that have led us to this point are not reversed, the result will be national and, yes, global catastrophe.

Again, we are talking about government, a specific government, not its people. The Chinese people are hard-working, family-oriented people, and I have all the sympathy and respect for them in the world. They are, in fact, freedom's greatest ally, our greatest hope. The Chinese people, America's greatest hope, the American people's potentially greatest friends.

The Chinese Government, however, is a loathsome tyranny, a dictatorial clique that has enslaved their people in that country and is intent on dominating the rest of it. It is a government that, as I speak, is shooting down Muslim Uyghurs in East Turkistan, which is that far region in the western provinces of China. A government that arrests and murders Falun Gong religious practitioners. The Chinese Communist Government arrests and murders these Falun Gong, and who are they? Pay attention, America. Who are they? The Falun Gong want nothing more than the religious freedom that we hold so dear. And what do they believe in? They believe in yoga and meditation.

□ 2300

Yet, thousands of them were picked up by the Chinese Communist dictatorship, thrown into prisons. And oftentimes they never come out of those prisons. And too often we find that what is coming out of those prisons where Falun Gong members have been thrown, what do we find is coming out of those prisons? Body parts being sold to Americans and other people as medical body parts. Kidneys and organs of the body that have been extracted from people who were put in jail for religious purposes and murdered. That is the type of ghoulish regime that now controls the country of China and the Chinese people.

In China, there are no unions or workers' rights, there are no democratically created environmental standards. There are no concerns about human rights or considerations for the inherent dignity of all humankind. There is no liberty; no independent judiciary; no freedom of the press; no rule of law; no opposition parties; no right to criticize the nature of their government or to criticize the clique that rules it.

For these reasons, a billion working people are held in bondage so that goods can be manufactured in China for far less than in the United States. And with the one-way free trade that we have permitted and the short-term profit desired by America's corporate elite, our country has been partners in building the Chinese economy into a monstrous threat, while at the same time weakening and destroying our own economic base.

Over the last two decades we have built China from a relatively backwards economy into a Frankenstein monster. When I say we, I mean the policies of the United States government have lifted the economic capabilities of a country that has had no political liberalization, no political reform of their dictatorial system, and a country that, yes, is also engaged in rebuilding its military. And, yes, we have built this Frankenstein monster. And that monster is slowly turning on its creator. It is turning on us.

We find ourselves today in an economic disaster. It is a severe recession. We can all feel it. It is around us. Our friends and neighbors and even our families are suffering. It is a Depression—perhaps not as dire as the one in the 1930s, but it might get there. It is devastating. People are losing their jobs and their houses. And who is to blame for this horrendous situation and what can be done about it? The blame, dear Brutus, lies with us.

We gave China Most Favored Nation status even though they have had no political liberalization. Despite our better judgment and despite the fact that China is a brutal dictatorship, we permitted them this advantageous economic relationship. We gave them this trading status because America's corporate elites wanted to make a quick buck for themselves with lots of good bonuses for the corporate elite and then to sell us goods—us, the American people—goods at a cheaper price. We should never have realistically expected to get goods that cheap, but at the same time there was a price to pay that was not on the pricetag.

What have we gotten? What was that price that we paid? It's called economic ruin of the United States of America.

We have given China everything and we are left wanting now, begging for favors. Small and mid-level manufacturing bases in the United States, our mid-level manufacturing base—small and mid-level—have been virtually destroyed. Our small and medium-sized and even large industry is gone. Our manufacturing jobs have gone.

And where have they gone to? They have gone to China so their people have the jobs. And their country is accumulating the wealth. And because we have had this Most Favored Nation status and had a relatively one-way free trade agreement, the Communist bosses have been able to set the rules and to manipulate the trade so that it benefits their power structure.

We were told that if we had Most Favored Nation status with China and that we had trade and we embraced them economically, there would be political liberalization. For 20 years, for 30 years we were told that. And that has not happened, but just the opposite has happened.

What we have now is with China a massive debt that can be purchased and is now being purchased by China. We have a massive debt here. Actually, just even this year's debt is going to be $2 trillion higher—$4 trillion budget, $2 trillion in debt. And the Chinese are very happy to buy it because they are holding it over our head and grabbing us by the throat.

We have given China everything, and we are left with nothing but ruin and cheap, poorly manufactured goods, poisonous toys and, all too often, poisonous food.

We need first and foremost to demand that our policymakers who are negotiating trade agreements with foreign governments, that their primary concern be—and I say this emphatically—the primary concern of our negotiators should be what is good for the people of the United States and that those negotiators be patriots in their perspective and not globalists who are tied to some notion of what is good for the world or some philanthropist who wants to help other peoples and other countries at the expense of our own people, the American people. We have not had that.

We have permitted a trade policy with China and other countries that have drained our country of resources with basically one-way free trade agreements. In China, we could only export our manufactured goods if they were made in China. So our capitalists were anxious to go there. But they could certainly export everything they wanted to into our country.

That one-way free trade doesn't work, and it has been a major factor in the economic crisis we face today. And that policy was permitted to continue. Because people were telling us if we just do this with China, they will liberalize and become a liberal democracy. I call that ''hug a Nazi, make a liberal.'' That's the theory. Hug a Nazi, make a liberal. No.

We can get as close to them and do favors for them all we want, but we should have demanded the political liberalization, which would have opened up a two-way free trade relationship rather than a one-way.

Proponents of liberalization of trade, as I say, frequently claim that even the one-way trade, even the liberalization of trade as it existed, would create jobs in the United States, create U.S. exports, and improve the trade deficit with China. That's what we heard. Not only just that it would liberalize China, but it would be good for us in the meantime.

President Clinton claimed that the agreement allowing China into the World Trade Organization, which was negotiated during his administration, and I quote President Clinton, ''creates a win-win result for both countries.''

Well, has it been a win-win result? Our country's, as I say—our country's small and mid-level and even large manufacturing units have been decimated. People who had good manufacturing jobs now have low-paying survival jobs. Their children have no really great aspirations to be industrial leaders or great entrepreneurs and businessmen because the lifeblood has been sucked out of our country as our manufacturing jobs have gone to China.

And while it's true that exports support jobs in the United States, as we were told, we must now recognize that it is equally true that imports destroy American jobs. Yes, that's right. Exports create American jobs, but imports do what?

I know that because in my two harbors, two ports that I represent, 90 percent of all the commerce coming through those ports are containers coming in from China and the East, and only 10 percent are going out.

We are destroying jobs of our people, those jobs that are necessary for people to live in homes, for people to have decent standards of living. The net result of the trade flow on unemployment, it's very clear when you see the trade imbalance that exists, why we have an increasing level of unemployment.

And those people who are employed and have been employed over the last 10 years are getting jobs that are far worse and not as uplifting and not as socially mobile upwards as those jobs that their parents were getting back in the fifties and in the sixties.

China's economy and China's as military capabilities have been growing and expanding even as our country has been declining. But the trouble of it is when you look at the economic and the military capabilities that are growing in China, it quite often is based on the utilization of technology that came from the United States. In fact, some of this technology was actually developed by American taxpayers, not even by these big corporate giants who go over there and set up their manufacturing units. They end up taking technologies that we have paid for, for the research, and doing what? Manufacturing it over in China.

Right now, there's a big issue. What is that issue? It's whether or not we should loosen some of the controls on our technology exports. Well, I have been insisting we do that only to Democratic countries—and we especially do not loosen the technology controls on China.

It was just about 15 years ago during the Clinton administration when they permitted American satellites to be launched on Chinese rockets. At the time, I thought it was a good idea. I will have to admit that. I thought it was a good idea. But within a very short period of time I recognized what a horrendous reality was being created.

What we were doing were perfecting those Chinese rockets in order to send up our satellites at a cheaper rate. Thus, we undercut the development of our own missile and rocket industry, our own aerospace jobs, and at the same time we perfected the Chinese rockets and missiles so that they could more easily what? Carry military payloads as well as civilian payloads.

No, we shouldn't be loosening any of our technological restrictions on the transfer of technology to China. And even to this day, as we want to loosen them to democratic countries, there are moves here in Washington to try to take the exemption of China out.

I will make this very clear. I am part of the team that's trying to move forward legislation to permit our high-tech industries to export to friendly democratic countries. But I have personally put into and worked with my other Members of Congress to ensure that part of the legislation restricts that loosening of controls to China so that they won't be able to launch American satellites on Chinese Long March rockets, because we know that will result in a technological transfer and an upgrading of those rockets.

For example, we have developed a chip that serves as a gyroscope. Costs us hundreds of billions of dollars to develop that chip. That was 15, 20 years ago. Today, of course, because of what happened 15 years ago, all of the Chinese rockets have a gyro on a chip. It didn't cost them a cent.

And all of these other manufactured goods that are being shipped over here, the Chinese haven't had to pay for the development costs. We've paid for it. The taxpayers and the corporations. And when a corporate leader sends his company to China, guess what? Yes, he gives himself a bonus for a few years and then disappears with tens of millions of dollars of bonus while his own company, the stockholders, and especially the workers of that company, suffer the damages when their jobs are eliminated and actually when the company is taken over by the Chinese.

Well, ironically, we have liberalized our trade with China, but China has not even liberalized its own government. In fact, China has been getting worse over these last two decades, not better. It was Tiananmen Square that was the turning point. Up until Tiananmen Square, there was a legitimate reason for us to build the economy of China to create closer ties because there was a movement on to create a new and democratic China that would be friend of ours and the world. There was a positive evolution going on politically and economically in China.

□ 2315

When it reached its tipping point at Tiananmen Square, the United States didn't stand tall. If Ronald Reagan would have been President, I can assure you he would have sent a telegram to the leaders, I'd say, to the gang who controls the Government of China. And he would have said, if you turn loose the army and slaughter the democratic movement in Tiananmen Square, all of the economic understandings we have, all of the capital investments and technology transfers, it's off. Reagan would have done that in a heartbeat. But George W's father, George Herbert Walker Bush was President. He did not share that same commitment, and there was no message sent to the Chinese, which was the worst message of all, because they now understood they could manipulate even the highest level of people in our government and of industry for short-term profit and that our elite does not give a damn about democracy or any of the other values that we, the American people, hold dear.

So we let our corporate elite dictate to us, and our government, under

George Herbert Walker Bush, took the easy way out. We acted like Tiananmen Square didn't count, and we let the corporations continue to make their quick buck so the corporate elites could give themselves their big bonuses. And in the end they were sending more jobs and more technology transfers and more capital investment to China, even though they had just slaughtered the democratic movement in Tiananmen Square. And now look at us. When we do something immoral, we come back and we pay a price for it.

Part of the reason we are in such economic hardship today can be traced right back to the immoral decision that I just mentioned. We've permitted this China, an authoritarian, totalitarian China, to have an open free-trade policy with the United States. But it was only free trade in one way, and there was no liberalization going on whatsoever. China should never have been given most-favored-nation status, and of course, we look at it now. China's been given that. Russia can't get anything. Russia can't even get the Jackson-Vanik restrictions to be taken off.

The tipping point in Russia came in 1991, which obviously caused a massive economic dislocation in Russia as it moved out of its socialist economy. So, in 1991, the great reforms were happening in China. The democratic movement wasn't slaughtered like it was in Tiananmen Square, but the Russian people were suffering hardship. The Russian economy collapsed, and there was a national despair in Russia, of course, and we watched this. While we built and fueled and invested in the Chinese economic machine, we said ''No thanks'' when it came to broadening our relationship with a liberalizing Russia.

Russia's not a little country. Russia is not insignificant. On the contrary, in the long term and in the grand scheme of history, we need Russia just as much as the Russians need us. If we are to confront the menace of radical Islam and the terrorist threat, we are going to have to stop the rogue states that are trying to acquire nuclear weapons. We're going to do that or combat radical Islam.

If we're going to combat, as I say, Iran or North Korea, we need to work with the Russians. We need to be partners with the Russians, not antagonists, and we certainly should not be looking at them as an enemy at a time when they have been trying to liberalize their country and have had great strides of liberalization since the Stalinist days of the Soviet Union. To be scrupulously accurate, we did, indeed, start a number of Russian-American partnerships in the 1990s.

In 1992, Senators Sam Nunn and Richard Lugar pushed us to work with the Russians to secure and dismantle nuclear weapons arsenals in and around the former Soviet Union, a project that would make everybody safer. It was brilliant, and eventually it evolved into the Cooperative Threat Reduction program. This program, the CTR, was a joint exercise between the United States, Russia, other former Soviet states and various military contractors. For a while, it went very, very well even though it had its ups and downs, and it's still going well. Despite the fact that certain people in the United States are complaining about it, they complain about the costs, but mostly they complain about working with the Russians to secure the Russians' weapons.

Well, that makes all the sense in the world to me that we work with them to dismantle weapons, nuclear weapons, and that gets to the heart of the problem. The type of people who are now deadly against us even trying to help the Russians dismantle their own weapons. We have a chance. And President Obama—I will have to say I've been very critical of him in his dealings with countries like Iran and elsewhere where he's not being tough, but he's trying to reach out to the Russians, and I applaud that. What he's trying to do is to find something that is mutually beneficial to us and that would be a reduction in the number of nuclear weapons.

Nuclear weapons cost a lot of money to both of our countries, and we are building them so that they can't be used. We are praying they will never be used. So if we are going to have money for the military, which we have to use to defeat radical Islam and to confront China, we need to make an agreement with Russia to bring down the level, not to eliminate nuclear weapons but bring down the level of those weapons that we believe should never be used so that we can afford to pay for the defense that we need to use.

And why aren't we doing that? I mean, Obama has laid the groundwork, but already we have people on my side of the aisle raising their voices with an ingrained sense of hostility towards Russia on any idea of reducing nuclear weapons. Well, how come we don't have that same antagonism towards China, who we are sending hundreds of billions of dollars to? The United States did withdraw from the Antiballistic Missile Treaty. I supported that, and I still do, even though I know the Russians didn't like that and thought it was a hostile act. I believe in missile defense. That's why we withdrew from that treaty.

I believe we should reduce our number of nuclear weapons and build a missile defense system, but I disagree with how the Bush administration rushed forward to deploy a system in the Czech and Polish Republics right on Russia's borders. We should have done what Ronald Reagan advised, and that is, if the Russians would withdraw from Eastern Europe and give up this Communist attitude of dominating the world, we should make the Russians partners in designing, building, maintaining and operating an antimissile system.

So, instead, we set up this system that we knew would be considered a hostile act and would antagonize the Russians even at the same time as we were inviting Chinese military observers to observe our own military operations. We've got it totally backwards. The country with no liberalization whose government hates our way of life and imprisons people for religious purposes, that government we're inviting to observe our military operations and cooperate with their military while Russia, which has had every liberalization, even though they're imperfect, that country which wanted and would love to work with us on missile defense, we set up a system which is aimed at Russia. Well, if we keep expanding NATO and inching around Russia, you can expect them to think that we're doing this as a hostile act. We do this even as we try to open up our relations even further with China.

We chastise Russia for its imperfections, but we have not bothered to make demands on China even as we have invited the Chinese military to observe our military operations. We keep expanding NATO, as I say, inching around, but we always have a negative word for Russia; yet, in China, there has been no reform of its tyrannical and repressive practices.

So what else have we done? We haven't even offered support for those elements in China that do believe in reform and democracy. We can't get ourselves to have strong condemnations of the brutal massacres going on now with the Uyghurs, the Muslims or the Tibetans or the Falun Gong. We can't get our government to actually condemn China for the brutality, the massive brutality that they are perpetrating on their own people, much less, I might add, condemn them for their continued insistence on territorial claims.

China is not only an economic threat, but China is a massive threat to us as it builds its military, its rockets and missiles, in particular, as it claims huge territories of Russia and India and huge areas of the ocean right up to the shores of the Philippines. These are claims that China is making; yet the United States is not counteracting those claims even as we are antagonistic towards Russia.

If we are to have a free world, if we are to combat radical Islam, we need Russia on our side. If we are going to combat those rogue nations in Iran and North Korea, we need Russia on our side. And if we are to live at peace and to thwart these desires by China to dominate the world, we must have Russia on our side.

So far, American policy has been totally upside down in terms of Russia and China. We need to make sure that we enter new relationships. Instead of taking NATO and expanding it, we should now show Russia that we want a new coalition in this world and that Russia will be part of it.

I would suggest that as we leave NATO, that we instead form a new coalition, perhaps not formally, but a coalition of interests, of security interests with countries like India, Japan, Russia and the United States. They are the four legs to the table that will create stability for humankind. Other democratic countries will join with us. But we need to have a relationship, a viable relationship with those countries in order to combat those challenges that are upon us with radical Islam and that threat that looms over us, which is an ever-more increasingly powerful Communist China.

The future's up to us. We've got to be realists, but we've also got to remain true to our principles as Americans. And when we are not true to those principles, when we close our eyes to the repression going on in China, even as we speak at this moment, where Muslims are being shot down in parts of China because they are not willing to accept the repression of their own culture and the repression of their faith, or the Tibetans who have suffered the same, or the Falun Gong who want nothing more than to meditate and have yoga exercises, if we do not speak up for these persecuted people, we will be persecuted, and we will suffer as a result.

The economy is suffering because of incredibly stupid policies, economic policies, and the China trade policy has been one of the worst. Our country will suffer in the future if we do not have a rational policy of security and cooperation with Russia, with India, and with Japan.

With that, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 15.

Mr. GINGREY of Georgia, for 5 minutes, today, July 9 and 10.

Mr. JONES, for 5 minutes, July 15.

Mr. GOHMERT, for 5 minutes, today and July 9.

Ms. FOXX, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, July 9.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, July 9, 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:

2515. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Bahrain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2516. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Norway pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2517. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Tapentadol into Schedule II [Docket No.: DEA-319P] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2518. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — E-911 Grant Program [Docket No.: NHTSA-2008-0142] (RIN: 2127-AK37) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2519. A letter from the Acting Division Chief, TAPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Jurisdictional Separations and Referral to the Federal-State Joint Board [CC Docket No.: 80-286] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2520. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels [WT Docket 02-55] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2521. A letter from the Acting Division Chief, CPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — In the Matters of Local Number Portability Porting Interval and Validation Requirements [WC Docket No.: 07-244]; Telephone Number Portability [CC Docket No.: 95-116] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2522. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending March 31, 2009, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2523. A letter from the Secretary, Department of Education, transmitting the Department's semiannual report from the office of the Inspector General for the period ending March 31, 2009; to the Committee on Oversight and Government Reform.

2524. A letter from the Secretary, Department of Education, transmitting the Department's Semiannual Report of the Office of Inspector General for the six-month period ending March 31, 2009; to the Committee on Oversight and Government Reform.

2525. A letter from the Department of Transportation —— Federal Aviation Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2526. A letter from the Department of Transportation —— Federal Railroad Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2527. A letter from the Department of Transportation —— Federal Transit Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2528. A letter from the Department of Transportation —— Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2529. A letter from the Department of Transportation —— Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2530. A letter from the Department of Transportation —— Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2531. A letter from the Department of Transportation —— Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2532. A letter from the Department of Transportation —— Research and Innovative Technology Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2533. A letter from the Department of Transportation —— Saint Lawrence Seaway Development Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2534. A letter from the Acting Director, Director of the Peace Corps, transmitting the semi-annual report of the Inspector General of the Peace Corps for the period beginning October 1, 2008 and ending March 31, 2009; to the Committee on Oversight and Government Reform.

2535. A letter from the Office of the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2536. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Rockets Over the River; Bullhead City, Arizona [Docket No.: USCG-2009-0070] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2537. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; AVI July Fireworks Display; Laughlin, Nevada [Docket No.: USCG-2008-1261] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2538. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ohio River mile 265.2 to 266.2 and from

Kanawha River mile 0.0 to 0.5, Point Pleasant, WV [USCG-2009-0191] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2539. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizations and Conforming Amendments [Docket No.: USCG-2009-0416] (RIN: 1625-ZA23) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2540. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — Buy America Requirements; Bi-Metallic Composite Conducting Rail [Docket No.: FTA-2008-0057] (RIN: 2132-AA99) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30669; Amdt. No. 481] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2542. 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.: 30670 Amdt. No. 3324] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mount Sterling, IL, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Waverly, OH [Docket No.: FAA-2009-1236; Airspace Docket No. 08-AGL-16] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cleveland, OH [Docket No.: FAA-2009-0127; Airspace Docket No. 09-AGL-4] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. CARDOZA: Committee on Rules. House Resolution 617. Resolution providing for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–193). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 618. Resolution providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 111–194). 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. CARNAHAN (for himself and Mr. AKIN):

H.R. 3122. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

By Mr. LAMBORN:

H.R. 3123. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Natural Resources.

By Ms. FUDGE (for herself, Mr. MASSA, Ms. LEE of California, Mr. LOEBSACK, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, Mr. ELLISON, Mr. CLEAVER, Mr. PAYNE, Mr. JOHNSON of Georgia, Ms. WATSON, Ms. KILPATRICK of Michigan, Ms. CLARKE, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. TOWNS, and Mr. GRAYSON):

H.R. 3124. A bill to provide for the use of improved health information technology with respect to certain safety net health care providers; to the Committee on Energy and Commerce, and in addition to the Committees on Veterans' Affairs, and Natural Resources, 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. WAXMAN (for himself, Mr. BOUCHER, Mr. BARTON of Texas, Mr. STEARNS, Mr. DINGELL, Mr. MARKEY of Massachusetts, Mr. DOYLE, Mr. GORDON of Tennessee, Mr. SPACE, Mr. MCNERNEY, Mr. INSLEE, Ms. ESHOO, Ms. MATSUI, Mr. STUPAK, Ms. CASTOR of Florida, Mr. BUYER, Mr. WELCH, and Mr. UPTON):

H.R. 3125. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mrs. MALONEY, Mr. GUTIERREZ, Mr. WATT, Mr. ACKERMAN, Mr. SHERMAN, Mr. CAPUANO, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. ELLISON, Ms. SPEIER, and Mr. GRAYSON):

H.R. 3126. A bill to establish the Consumer Financial Protection Agency, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself and Mr. RANGEL):

H.R. 3127. A bill to direct the Architect of the Capitol to acquire a statue of ''The Unknown Slave'' for permanent display in Emancipation Hall in the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. ELLISON:

H.R. 3128. A bill to amend the Federal Reserve Act to authorize Federal Reserve Banks to examine the methodologies of used by nationally recognized statistical rating organizations in analyzing and rating asset backed securities and structured finance products; to the Committee on Financial Services.

By Mr. LUETKEMEYER:

H.R. 3129. A bill to prohibit United States contributions to the Intergovernmental Panel on Climate Change; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself and Mr. GEORGE MILLER of California):

H.R. 3130. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Education and Labor.

By Mr. POE of Texas (for himself and Mrs. BACHMANN):

H.R. 3131. A bill to make participation in the American Community Survey voluntary, except with respect to certain basic questions; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN of New Jersey:

H.R. 3132. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security through fiscal year 2012; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 3133. A bill to improve title 18 of the United States Code; to the Committee on the Judiciary.

By Ms. SCHWARTZ:

H.R. 3134. A bill to direct the Secretary of Health and Human Services to establish a Healthcare Innovation Zone pilot program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ (for himself, Mr. PETERSON, Mr. OBERSTAR, Mr. MCINTYRE, Mr. PERRIELLO, Mr. BOSWELL, Ms. MCCOLLUM, and Mr. RODRIGUEZ):

H.R. 3135. A bill to amend the Internal Revenue Code of 1986 to provide additional incentives for facilities producing electricity from wind; to the Committee on Ways and Means.

By Mr. WALZ (for himself, Mr. PETERSON, Mr. OBERSTAR, Mr. MCINTYRE, Mr. PERRIELLO, Mr. BOSWELL, Ms. MCCOLLUM, and Mr. RODRIGUEZ):

H.R. 3136. A bill to extend the program to provide grants for specified energy property in lieu of tax credits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself and Mr. GOODLATTE):

H. Con. Res. 161. Concurrent resolution recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National EMS Memorial honoring emergency medical services personnel who have died in the line of duty; to the Committee on Energy and Commerce.

By Mr. NYE:

H. Con. Res. 162. Concurrent resolution expressing the sense of Congress that any attempt at health care reform should ensure

that patients have the right to choose their health care providers; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas (for himself, Mr. POMEROY, Ms. SHEA-PORTER, Mr. WHITFIELD, Mr. PAUL, Mr. DOYLE, Mr. ABERCROMBIE, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. SIRES, and Mr. LARSEN of Washington):

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as ''National Job Corps Day''; to the Committee on Oversight and Government Reform.

By Mr. FLEMING (for himself, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. BARTLETT, Mr. LINDER, Mr. GARRETT of New Jersey, Mr. BLUNT, Mr. SCALISE, Mr. ALEXANDER, Mr. BONNER, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. AKIN, Mr. BISHOP of Utah, Ms. FALLIN, Mr. COLE, Mr. GOHMERT, Mr. PENCE, Mr. HENSARLING, Mr. PITTS, Mr. POSEY, Mr. MARCHANT, Mrs. LUMMIS, Mr. BRADY of Texas, Mr. BOOZMAN, Mr. ROGERS of Alabama, Mr. POE of Texas, and Mr. BOUSTANY):

H. Res. 615. A resolution expressing the sense of the House of Representatives that Members who vote in favor of the establishment of a public, federal government run health insurance option are urged to forgo their right to participate in the Federal Employees Health Benefits Program (FEHBP) and agree to enroll under that public option; to the Committee on House Administration.

By Mr. CASSIDY (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. MELANCON, Mr. SCALISE, Mr. FLEMING, and Mr. CAO):

H. Res. 616. A resolution congratulating the Louisiana State University baseball team for winning the 2009 National Collegiate Athletic Association Division I College World Series; to the Committee on Education and Labor.

By Mr. MACK (for himself, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. FORTENBERRY, Mr. POE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MCCOTTER, Mr. WAMP, and Mr. BILIRAKIS):

H. Res. 619. A resolution expressing the support of the House of Representatives for the people of Honduras; to the Committee on Foreign Affairs.

By Mr. SERRANO:

H. Res. 620. A resolution condemning the violence in Honduras and calling for the return of the duly elected President; 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. 13: Mr. RUSH.
H.R. 24: Ms. SCHAKOWSKY and Mr. FOSTER.
H.R. 39: Mr. GEORGE MILLER of California, Mr. HARE, Mr. VAN HOLLEN, and Ms. ESHOO.
H.R. 52: Mr. HINCHEY.
H.R. 147: Mr. ALTMIRE, Mr. SNYDER, Mr. SIRES, Mr. LUJÁN, and Mr. KENNEDY.
H.R. 153: Mr. POSEY.
H.R. 154: Mr. POSEY.
H.R. 155: Mr. POSEY.
H.R. 197: Mr. HOLDEN, Mr. WALZ, and Mr. LATHAM.
H.R. 205: Mr. ROE of Tennessee.
H.R. 265: Mr. CONYERS.
H.R. 270: Mr. MASSA.
H.R. 275: Ms. MARKEY of Colorado, Mr. TURNER, Mrs. LUMMIS, Mr. ROE of Tennessee, Mrs. CAPITO, and Mr. DAVIS of Alabama.
H.R. 303: Mr. ROONEY and Mr. SHULER.
H.R. 420: Mr. OLSON.
H.R. 422: Mr. BLUNT.
H.R. 444: Mr. COURTNEY, Ms. CLARKE, and Ms. KAPTUR.
H.R. 513: Mr. MARIO DIAZ-BALART of Florida.
H.R. 560: Mr. MORAN of Kansas.
H.R. 568: Mr. CLAY.
H.R. 571: Mr. HODES and Mr. WESTMORELAND.
H.R. 621: Ms. HARMAN, Mr. PERRIELLO, Mr. ADERHOLT, Mr. MINNICK, Mr. BOOZMAN, Mr. SCALISE, Mr. MAFFEI, Ms. JACKSON-LEE of Texas, Mr. TURNER, and Ms. ZOE LOFGREN of California.
H.R. 644: Mr. BRALEY of Iowa.
H.R. 690: Ms. GINNY BROWN-WAITE of Florida, Mr. LEWIS of Georgia, and Mr. BRADY of Pennsylvania.
H.R. 722: Ms. SCHAKOWSKY and Mr. DOYLE.
H.R. 745: Mr. MOLLOHAN.
H.R. 764: Mr. GINGREY of Georgia and Mr. INGLIS.
H.R. 815: Ms. FUDGE.
H.R. 930: Ms. NORTON.
H.R. 932: Mr. LATOURETTE.
H.R. 948: Mr. MAFFEI.
H.R. 953: Mr. HALL of Texas and Mr. TIAHRT.
H.R. 981: Mr. CONNOLLY of Virginia.
H.R. 1074: Mr. SPACE, Mr. BUCHANAN, and Mr. WALZ.
H.R. 1093: Mr. BUTTERFIELD and Ms. ZOE LOFGREN of California.
H.R. 1094: Mr. MILLER of North Carolina and Ms. BERKLEY.
H.R. 1147: Mr. STARK and Mr. FATTAH.
H.R. 1177: Mr. PLATTS.
H.R. 1205: Mr. BRALEY of Iowa, Mr. CAO, Mrs. NAPOLITANO, Mr. PAYNE, Mr. FLEMING, Mr. TURNER, and Ms. JACKSON-LEE of Texas.
H.R. 1207: Mr. SULLIVAN, Mr. COURTNEY, Ms. HIRONO, and Mr. FARR.
H.R. 1245: Mr. TIM MURPHY of Pennsylvania.
H.R. 1283: Mr. LEVIN and Mr. BACA.
H.R. 1310: Ms. FUDGE and Mr. DOGGETT.
H.R. 1322: Mr. KENNEDY and Mr. ROTHMAN of New Jersey.
H.R. 1339: Mr. SCHIFF, Mr. BLUNT, and Ms. DEGETTE.
H.R. 1362: Mr. TURNER, Mr. CRENSHAW, Ms. BERKLEY, and Ms. MATSUI.
H.R. 1410: Mr. HOLT.
H.R. 1454: Mr. UPTON and Mr. SCHOCK.
H.R. 1458: Mr. LEE of New York, Mr. MEEKS of New York, Mr. MASSA, Mr. BLUMENAUER, Ms. RICHARDSON, Mr. TOWNS, Mr. MEEK of Florida, and Mr. CUMMINGS.
H.R. 1499: Mr. RAHALL.
H.R. 1523: Mr. PAYNE, Mr. MURPHY of Connecticut, Mr. ISRAEL, and Ms. MOORE of Wisconsin.
H.R. 1546: Mr. ALTMIRE.
H.R. 1548: Mr. BARTLETT.
H.R. 1549: Ms. KAPTUR, Mr. MCGOVERN, and Mr. BAIRD.
H.R. 1557: Mr. MITCHELL.
H.R. 1585: Mr. PLATTS, Mr. KUCINICH, and Ms. TITUS.
H.R. 1596: Mr. FILNER.
H.R. 1612: Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. TONKO, Mr. CONNOLLY of Virginia, Ms. HERSETH SANDLIN, Ms. MOORE of Wisconsin, Mr. KISSELL, Ms. MCCOLLUM, and Ms. SHEA-PORTER.
H.R. 1625: Mr. MASSA, Ms. SCHAKOWSKY, Mr. MURPHY of Connecticut, Ms. EDWARDS of Maryland, Mr. BISHOP of Georgia, and Mr. KILDEE.
H.R. 1643: Mr. BLUMENAUER.
H.R. 1646: Mr. BISHOP of Utah and Mr. YARMUTH.
H.R. 1660: Mr. COURTNEY.
H.R. 1700: Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. WOLF, and Mr. LOBIONDO.
H.R. 1723: Mr. BLUMENAUER.
H.R. 1763: Mr. POSEY.
H.R. 1799: Mr. CONAWAY and Mr. BONNER.
H.R. 1806: Mr. ARCURI.
H.R. 1819: Mr. BONNER, Mr. FALEOMAVAEGA, Mr. HONDA, Mr. MARIO DIAZ-BALART of Florida, and Mr. REHBERG.
H.R. 1835: Mr. SAM JOHNSON of Texas.
H.R. 1836: Mr. CHILDERS.
H.R. 1881: Ms. RICHARDSON, Ms. HARMAN, and Mr. CLAY.
H.R. 1894: Mr. CROWLEY and Mr. HIGGINS.
H.R. 1925: Mr. JOHNSON of Georgia, Mr. EHLERS, Ms. KAPTUR, and Mr. PASCRELL.
H.R. 1955: Mr. EDWARDS of Texas.
H.R. 2000: Mr. STUPAK, Mrs. MYRICK, Mr. CARSON of Indiana, Mr. RYAN of Ohio, Mr. MITCHELL, Mr. FOSTER, and Mr. GENE GREEN of Texas.
H.R. 2017: Mr. Rooney, Mr. PRICE of Georgia, Mr. TIAHRT, Mr. ROSS, Mr. BERRY, Ms. MCCOLLUM, Mr. MASSA, and Mr. SNYDER.
H.R. 2030: Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. POE of Texas, Mr. KENNEDY, and Mr. SCHIFF.
H.R. 2060: Mr. RYAN of Ohio, Mr. FILNER, and Mr. CONYERS.
H.R. 2061: Mr. GOODLATTE.
H.R. 2097: Mr. FILNER, Mr. SMITH of New Jersey, Mr. MURPHY of Connecticut, Mr. PLATTS, and Mr. SHULER.
H.R. 2109: Mr. HIMES, Mr. NADLER of New York, Ms. LEE of California, Ms. NORTON, and Mr. BISHOP of Georgia.
H.R. 2119: Mr. PAULSEN and Mr. CAMPBELL.
H.R. 2125: Mr. CONAWAY.
H.R. 2136: Mr. BUTTERFIELD, Ms. KAPTUR, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. ARCURI, Mr. CHANDLER, Mr. CUMMINGS, Ms. DELAURO, Mr. DOYLE, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. RYAN of Ohio, Mr. MEEK of Florida, Ms. KILPATRICK of Michigan, Mr. ORTIZ, Mr. RUSH, Mr. TAYLOR, Mr. CAPUANO, Mr. MARKEY of Massachusetts, Mr. AL GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. CUELLAR, Mr. BONNER, Mr. ABERCROMBIE, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. CLAY, and Mr. PASCRELL.
H.R. 2143: Mr. TIAHRT.
H.R. 2193: Mr. HEINRICH.
H.R. 2213: Mr. TIERNEY and Ms. LEE of California.
H.R. 2245: Mr. FLEMING, Mr. AUSTRIA, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. HONDA, Mr. CLAY, Mr. CHILDERS, Mr. MELANCON, Mr. DANIEL E. LUNGREN of California, Mr. KUCINICH, Mr. ORTIZ, Mr. POE of Texas, Mr. EDWARDS of Texas, Mr. HARPER, Mr. BOSWELL, Mr. MCCARTHY of California, Ms. KILROY, Mr. SMITH of Texas, Mr. WITTMAN, and Mr. PALLONE.
H.R. 2251: Mr. QUIGLEY, Mr. CRENSHAW, Ms. KOSMAS, Mr. BLUMENAUER, Mr. BISHOP of New York, and Mr. HINCHEY.
H.R. 2256: Mr. MICA.
H.R. 2262: Mr. BOUCHER, Mr. KUCINICH, Mr. FILNER, and Mr. ENGEL.
H.R. 2272: Mr. PETERSON.
H.R. 2287: Mrs. EMERSON.
H.R. 2298: Mr. HALL of New York and Ms. SCHWARTZ.
H.R. 2304: Ms. MARKEY of Colorado and Mr. WOLF.
H.R. 2305: Mr. LUETKEMEYER and Mr. TIAHRT.
H.R. 2319: Mr. RYAN of Wisconsin.
H.R. 2363: Mr. MCGOVERN, Mr. COURTNEY, and Mrs. MALONEY.
H.R. 2393: Mr. BURGESS.
H.R. 2406: Mr. YOUNG of Alaska, Mr. MILLER of Florida, and Mr. SHADEGG.
H.R. 2413: Mr. MORAN of Virginia, Mr. PAYNE, Mr. RANGEL, Mr. CHILDERS, MR. ROTHMAN of New Jersey, Mr. COSTELLO, Mrs. MCCARTHY of New York, Mr. MASSA, Mr. WAMP, and Ms. KAPTUR.

H.R. 2425: Mr. LATHAM.
H.R. 2438: Ms. JACKSON-LEE of Texas.
H.R. 2474: Ms. RICHARDSON.
H.R. 2476: Mr. LAMBORN and Mr. SALAZAR.
H.R. 2478: Mr. UPTON, Ms. VELÁZQUEZ, Mr. COURTNEY, and Mr. FARR.
H.R. 2497: Mr. CONNOLLY of Virginia.
H.R. 2499: Ms. TSONGAS.
H.R. 2502: Mr. CARDOZA.
H.R. 2516: Mr. ROONEY.
H.R. 2517: Ms. PINGREE of Maine.
H.R. 2521: Ms. JACKSON-LEE of Texas.
H.R. 2523: Mr. PALLONE, Mr. GRIJALVA, Mrs. BONO MACK, Mr. INSLEE, and Mr. BOREN.
H.R. 2525: Mr. BRALEY of Iowa and Ms. SHEA-PORTER.
H.R. 2527: Mr. MICHAUD.
H.R. 2537: Mr. STEARNS.
H.R. 2559: Mr. MCGOVERN.
H.R. 2562: Mr. YOUNG of Alaska.
H.R. 2574: Mr. MICHAUD.
H.R. 2580: Mr. CONNOLLY of Virginia.
H.R. 2590: Mr. MARSHALL.
H.R. 2626: Mr. NUNES.
H.R. 2632: Mr. GORDON of Tennessee, Mr. SESTAK, Mr. COHEN, Mr. INGLIS, Mr. BRADY of Pennsylvania, and Mr. MASSA.
H.R. 2653: Mr. SESTAK.
H.R. 2672: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2691: Mr. BERMAN and Mr. TOWNS.
H.R. 2702: Mr. WOLF.
H.R. 2732: Mr. PRICE of Georgia.
H.R. 2743: Mr. CASSIDY, Mr. AL GREEN of Texas, Mr. ROONEY, Mr. PASTOR of Arizona, Mr. SHADEGG, Mr. BUYER, Mr. LEWIS of Georgia, Mr. LUETKEMEYER, Mr. PUTNAM, Mr. WOLF, Mr. BOREN, Mr. GUTHRIE, Mr. NYE, Mr. KIND, Mr. LOBIONDO, Mr. SAM JOHNSON of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. MCINTYRE, and Mr. WAMP.
H.R. 2744: Mrs. NAPOLITANO and Ms. BALDWIN.
H.R. 2766: Mrs. MALONEY and Mrs. CAPPS.
H.R. 2773: Mr. WITTMAN.
H.R. 2786: Mr. HELLER.
H.R. 2794: Mr. DAVIS of Illinois, Mr. RANGEL, and Ms. LEE of California.
H.R. 2799: Mr. LATTA and Mr. POSEY.
H.R. 2801: Mr. JONES.
H.R. 2802: Mr. MCGOVERN.
H.R. 2818: Ms. BORDALLO.
H.R. 2828: Mr. TURNER.
H.R. 2835: Mr. FILNER.
H.R. 2842: Mr. SAM JOHNSON of Texas.
H.R. 2844: Ms. HERSETH SANDLIN.
H.R. 2846: Mr. KINGSTON, Mr. SULLIVAN, and Mr. POSEY.
H.R. 2852: Mr. RYAN of Ohio, Mr. ISRAEL, Mr. PAYNE, and Mr. MASSA.
H.R. 2857: Mr. WITTMAN.
H.R. 2881: Ms. FOXX.
H.R. 2891: Ms. NORTON and Mr. BOUCHER.
H.R. 2894: Mr. COURTNEY.
H.R. 2900: Mr. SHADEGG.
H.R. 2902: Ms. WOOLSEY.
H.R. 2913: Ms. KOSMAS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. PUTNAM.
H.R. 2935: Mr. GEORGE MILLER of California, Mr. RODRIGUEZ, and Mr. UPTON.
H.R. 2939: Mr. KENNEDY and Mr. HIGGINS.
H.R. 2941: Mr. NEAL of Massachusetts and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2963: Mr. MURTHA, Mr. GRIFFITH, Mr. SHULER, Mr. KENNEDY, Mr. PALLONE, and Mr. WAMP.
H.R. 2969: Mr. HINCHEY.
H.R. 2987: Ms. ROYBAL-ALLARD, Mr. TONKO, Mr. SALAZAR, and Ms. NORTON.
H.R. 3017: Ms. PINGREE of Maine and Mr. FARR.
H.R. 3036: Mr. PAUL, Mr. COBLE, and Mr. LOEBSACK.
H.R. 3043: Mr. PAUL, Mr. GONZALEZ, Mr. SIRES, Ms. JACKSON-LEE of Texas, and Mr. MCGOVERN.
H.R. 3047: Mr. HASTINGS of Florida.
H.R. 3074: Mr. BOSWELL.
H.R. 3091: Mr. RANGEL.
H.R. 3092: Mr. BLUMENAUER.
H.R. 3101: Ms. LINDA T. SÁNCHEZ of California and Ms. LEE of California.
H.R. 3105: Mr. CARDOZA, Mr. COSTA, Mr. RADANOVICH, and Mr. MCCARTHY of California.
H.R. 3119: Mrs. BONO MACK and Mr. BILBRAY.
H.J. Res. 47: Mr. MURTHA, Mr. MILLER of Florida, and Mr. TERRY.
H.J. Res. 50: Mr. JONES and Mr. GARY G. MILLER of California.
H.J. Res. 54: Mr. PENCE.
H. Con. Res. 74: Mr. COHEN.
H. Con. Res. 96: Mr. ROTHMAN of New Jersey.
H. Con. Res. 117: Mr. CARTER, Mr. SIMPSON, Mr. LATTA, and Mr. CHAFFETZ.
H. Con. Res. 121: Mr. SOUDER and Mr. CONAWAY.
H. Con. Res. 128: Mr. STARK, Mr. SNYDER, Mr. MORAN of Virginia, and Ms. FUDGE.
H. Con. Res. 151: Mr. WOLF and Ms. BORDALLO.
H. Con. Res. 156: Mr. GALLEGLY.
H. Con. Res. 160: Mr. NEAL of Massachusetts, Mr. SAM JOHNSON of Texas, Mr. SIMPSON, Ms. SCHWARTZ, and Mr. MCINTYRE.
H. Res. 175: Mrs. MYRICK and Mr. ROHRABACHER.
H. Res. 209: Mr. POE of Texas.
H. Res. 288: Mr. MCINTYRE, Mr. ELLISON, Mr. SNYDER, Ms. ZOE LOFGREN of California, and Mrs. NAPOLITANO.
H. Res. 314: Mr. POE of Texas.
H. Res. 397: Mr. GRAVES.
H. Res. 409: Mr. COSTA.
H. Res. 440: Mr. SCHOCK.
H. Res. 441: Mr. PAYNE, Mr. ARCURI, Mr. JONES, and Mr. MASSA.
H. Res. 468: Mr. PAYNE.
H. Res. 486: Mr. DUNCAN.
H. Res. 512: Ms. JACKSON-LEE of Texas and Ms. HIRONO.
H. Res. 549: Mr. ROONEY.
H. Res. 554: Mr. KLINE of Minnesota.
H. Res. 583: Mr. SKELTON.
H. Res. 601: Mr. KING of New York.
H. Res. 613: Mr. MAFFEI, Mr. INSLEE, Mr. DENT, Mr. MOORE of Kansas, and Mr. HOLDEN.

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 Lowey, or a designee, to H.R. 3081, the Department of State, Foreign Operations, and Related Programs 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.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JULY 8, 2009 No. 101

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Great God, Eternal Lord, long ago You gave us this land as a home for free people. Show us that there is no law or liberty apart from You and lead our lawmakers to serve You with faithfulness and humility. Lord, use them to challenge the cruelty that divides and rules humanity. May they be Your instruments to draw people together in order to accomplish Your will. May these efforts enable America to be a light to nations, leading the way to Your promised kingdom. Throughout this day, may our Senators sense Your presence and engage in constant inner conversation with You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 1 hour. The Republicans will control the first 30 minutes, the majority will control the second 30 minutes. Following morning business, the Senate will resume consideration of the Homeland Security Appropriations Act. There will be 5 minutes for debate prior to a vote in relation to the Sessions amendment, with time equally divided and controlled between Senators SCHUMER and SESSIONS.

Upon disposition of the Sessions amendment, there will be 2 minutes for debate prior to a vote on the DeMint amendment, with the time equally divided and controlled between Senators MURRAY and DEMINT. Senators should, therefore, expect a series of votes to begin probably about 20 to 11 today. Additional rollcall votes are expected throughout the day.

CIVILITY IN THE SENATE

Mr. REID. Mr. President, every Wednesday in a first floor office meeting room there is a Prayer Breakfast. Members of the Jewish faith and Christian faith appear there and talk about their life experiences. Today was a tremendously stimulating day. Senator TED KAUFMAN, from Delaware, made the presentation.

I bring that to the attention of the Senate for a number of reasons. One is that TED KAUFMAN has a stunning life story, not the least of which is starting in 1972, with a 29-year-old man named JOE BIDEN, who stood no chance of being elected in the State of Delaware, running against a man who had served in many different positions, including Member of the House of Representatives, Governor, and was a sitting Senator. But this young 29-year-old, with TED KAUFMAN helping run his campaign, was elected, surprising everyone.

As we know, Senator BIDEN, who had been recently elected—on top of the world, barely old enough to serve constitutionally—after having been in the Senate for a little over a month, his wife and daughter were killed and his two boys were badly injured. TED KAUFMAN served with him as a staffer until, I think, about 1995, when he went into the private sector and then came back as a Senator, appointed when Senator BIDEN was elevated to become Vice President.

But the most important part I wish to relate to the Senate is that he said, from the time he left here in 1995 until the day when he came back as a Senator, the civility that is now here was not in the Senate in 1995. He said the atmosphere here is so much better now than it was in 1995.

Everyone should appreciate what TED KAUFMAN said. We have tried—President Obama has tried, I have tried—and I hope that has helped civility here. We all have to understand, as Senator KAUFMAN indicated to the Members assembled there today, that there is a difference between Democrats and Republicans philosophically, but that doesn't mean they cannot work together as friends. He gave a couple examples of Senators on the floor debating and then walking off shaking hands.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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HEALTH CARE

Mr. REID. Mr. President, last month, I stood here and told everyone about a young woman from Nevada named Alysia. She was born with a kidney disease, one she fought bravely her entire life. But lately things have gotten worse. Similar to far too many Americans in recent months, Alysia lost her job. That has happened to far too many Americans. When you lose your job, as we have learned, your health care often disappears also.

Alysia did what any of us would do in the same situation, she tried to get independent coverage so she could afford the surgery she needs to get better. Her doctors say surgery is imperative, but insurance companies say: No, you can't get insurance. They refused to cover her. They call her kidney disease a preexisting condition—everyone else, including Alysia, calls it a tragedy.

She is not the only Nevadan who has written me about injustice. Caleb Wolz is a high school student from Sparks, NV. Similar to so many kids, he used to play, when he was younger, all kinds of games. But now he just sticks to skiing and rock climbing. You can forgive him for not playing some of the games he doesn't play anymore. He was born without any legs. Caleb was born without legs.

As kids grow, they grow out of their shoes. A lot of kids probably get a new pair every year. But Caleb, who is now 17, has needed a new pair of prosthetic legs every year since he was 5 years old.

You can probably guess what the story is now, and you have it right. His insurance company has decided it knows better than his physicians and has decided that Caleb does not need legs that work and fit. Even after looking at pictures of the bruises and abrasions Caleb suffered from the prosthetics that didn't fit, his insurance company decided, once again, his preexisting condition is too expensive to deal with.

These stories are hard to hear, but they are not hard to come by. They are extraordinary, but they are not unique. This happens to women all over southern Nevada just like Alysia and boys across northern Nevada just like Caleb. It happens to people on the east coast and the west coast. It happens to Americans in small towns and big cities. Every day, insurance companies look at a patient's medical history and the prescriptions they have filled. Then they deny them coverage or charge them exorbitant rates because of the patient's age or a specific illness. For every 10 patients who try to get health care, 9 of them never buy a plan because insurance companies deny them or make it too expensive.

Most of us were not born with a kidney disease such as Alysia's or, unlike Caleb, we are born with both our legs. But unless you are in absolutely perfect health, without a history of anything from heart disease to high cholesterol or hay fever, in the insurance world you are out of luck. Some insurance companies even treat Caesarean sections as a preexisting condition, and some accuse women of scheduling unnecessary C-sections when they give birth. More than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of the deaths in America. Yet right now, insurance companies that care more about profits than about people are in complete control of their well-being. They are holding Americans hostage, and far too many of us cannot afford that ransom.

Reforming health care is a complex endeavor, but one part of the Democrats' vision for health care is simple. We are going to give people control over their own health. We are no longer going to let greedy insurance companies use a patient's preexisting condition as an excuse to deny them the care they need.

We will lower the high cost of health care. We will lower the cost of health care generally. We will make sure every American has access to that quality, affordable care, and we will do our very best to make sure people still have the power to choose their own doctors, hospitals, and health plans.

If we leave it to private insurance companies that are more interested in keeping their profits up than keeping us healthy, that will not happen, nor will it happen if our Republican colleagues continue to defend the status quo. A few weeks ago, the Republican leader in the House of Representatives said the following:

> I think we all understand that we have the best health care system in the world.

How can one defend a health care system that goes out of its way not to care for people's health? And how can anyone celebrate such a system with a straight face? That health care system told Alysia she can't get the kidney surgery she needs. That health care system told Caleb he can't get the legs he needs. I think they would respectfully disagree with the Republican leader.

Insurance companies and most of our Republican colleagues seem to share a common philosophy. They both reflexively and recklessly say no for no good reason. That is a philosophy we cannot afford in America. If you are fortunate enough to have coverage you like, you can keep it. But if you don't like the fact that the insurance company can deny you coverage when they feel like it, you will agree we need to change the way things are.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business for up to 1 hour, with time equally divided or controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half, with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee is recognized.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senator from Arizona and I be permitted to engage in a colloquy for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Will the Chair please let me know when 2 minutes remains.

The ACTING PRESIDENT pro tempore. The Chair will do so.

HEALTH CARE

Mr. ALEXANDER. Mr. President, I heard the majority leader talk about denying care, and that is the issue before us—one of the major issues. The vision of the Republicans is that there will not be someone in between a patient and a doctor who would get in the way of a treatment you need or the care you need or have you stand in line or wait too long. Our great fear is the Democratic proposal so far, in which we have not had a chance to participate, would put the government between you and the doctor and the government doing the rationing.

Republican proposals, such as those of Senator GREGG and Senator BURR and Senator COBURN and even the bipartisan proposal by Senator WYDEN, a Democrat, and Senator BENNETT, a Republican—of which I am a cosponsor of all—envision a system where those of us, the 250 million of us who already have health care insurance, would be permitted to keep it and that we would find a way to reform the Tax Code to give to individuals who do not have good health care the money they need to buy the health care and to choose it for themselves. Our concern is, the Government might become too much involved, and we might create a program that is filled with more debt, on top of the debt we already have, that our children and grandchildren simply couldn't afford it.

Mr. MCCAIN, the Senator from Arizona, has been, I guess, in more town meetings about health care than any other American, at least any other American who serves today in the Senate. He was in Texas last week and home last week in Phoenix, at some of our leading institutions, to hear what people had to say about it.

I wonder if I could ask the Senator from Arizona if he heard concern from those in his home State of Arizona, or those at M.D. Anderson in Texas, about

the government getting in between the patient and the doctor.

Mr. MCCAIN. Mr. President, if I could say, first of all, I would like to thank the Senator from Tennessee for his leadership on this issue. It is a privilege to serve on the HELP Committee with him, and his continued involvement in the ongoing discussion and debate about one-sixth of America's gross national product has been vital.

I thank my friend from Tennessee. Could I also pick up on what the Senator was just saying, that the majority leader criticized the Republican leader in the House who said America has the best health care system in the world. What the Republican leader in the House was saying was the obvious: America has the highest quality health care in the world. And as the Senator from Tennessee just mentioned, I was in Houston at M.D. Anderson with Republican leaders, the Senator from Kentucky and Senator CORNYN from Texas. There were people there from 90 countries around the world—90 countries, most of them wealthy people who could have gone anywhere in the world for health care.

But they went to the best place in the world, M.D. Anderson—one of the best, I would argue. We have some facilities in Arizona and probably in Tennessee that are of equal quality.

But is there any doubt, when people come from all over the world to the United States of America, that the highest quality health care is not in America? It is. The problem is, and I am afraid some of my colleagues do not get it, it is not the quality of health care, it is the affordability and the availability of health care.

Our effort has been to try to make health care affordable and available. The latest proposal of the Democrats is that it only covers 40 percent of the uninsured and costs trillions of dollars. So why not, I would ask my friend from Tennessee, why not let people go across State lines to get the insurance policy they want? Why could not a citizen of Arizona who does not like the insurance policies that are available there find one in Tennessee? Why not have meaningful malpractice reform? We all know where 10, 15, 20 percent, sometimes, of health care costs come from. They come from the practice of defensive medicine.

Everybody knows it. It is one of the elephants in the room. So, therefore, we do not have—and consistently in the HELP Committee, amendments that have been proposed by the Senator from Tennessee and me and others to reform medical malpractice have been voted down.

The State of California some years ago enacted meaningful and significant medical malpractice reform. Guess what. It has decreased health care costs. So we are not getting—and I say to my friend from Tennessee, I hope he agrees that we are going at the wrong problem. The problem is not the quality of health care. We want to keep the quality of health care. It is the cost and affordability of health care.

We have not gotten affordable and available health care for all Americans.

Mr. ALEXANDER. I agree with my friend from Arizona. I think of the pregnant women in rural counties in Tennessee who have to drive all the way to Memphis, or all the way to Nashville to get prenatal health care because there are no OB–GYN doctors after their medical malpractice cases have driven up their insurance. So there is no way for them to get health care.

If I am not mistaken, I listened to the majority leader talking about the tragic case in Nevada of someone unable to get health care because of a preexisting condition. The Senator from Arizona knows all of the proposals. I believe all of the Republican proposals would say, everyone would be covered, that preexisting conditions would not disqualify you.

The issue before us is whether we are going to address trillions to the debt or put the government in between the patient and the doctor.

Mr. MCCAIN. I totally agree. Could I mention, since the Senator from Tennessee and I are going up to another meeting in the HELP Committee, the Roll Call article this morning says:

> Senate Majority Leader Harry Reid on Tuesday strongly urged Finance Chairman Max Baucus to drop a proposal to tax health benefits and stop chasing Republican votes on a massive health care reform bill. Reid, whose leadership is considered crucial if President Barack Obama is to deliver on his promise of enacting health care reform this year, offered the directive to Baucus through an intermediary after consulting with Senate Democratic leaders during Tuesday morning's regularly scheduled leadership meeting.

In other words, according to this article, any shred or semblance of bipartisanship is now out the window. So I think the Senator from Tennessee would agree with me. One of the very disappointing aspects of this whole debate is we have not changed the climate in Washington. Has there ever been, to the Senator's knowledge, a call to sit down at a table in a room with leading Republicans and Democrats and say: Hey, can't we work this out? What is your proposal? Here is ours. Can't we sit down and agree to save health care in America and preserve its quality and make it affordable and available? Way back in the 1980s when Ronald Reagan and Tip O'Neill sat down together, they saved Social Security.

This is unfortunate that even the last shreds of attempts at bipartisanship are now gone. Now maybe it is because the 60th Democratic vote was sworn in yesterday. Maybe they figured they had the votes. Maybe they do. But anybody who alleges that this administration and the other side of the aisle are changing the climate in Washington, that is simply false.

Mr. ALEXANDER. There is probably no one in the Senate who has been in the midst of bipartisan negotiations more times than the Senator from Arizona. This is not just for the purpose of feeling good, it is the way to actually get a broad base of support for an energy bill or an immigration bill or a Supreme Court nominee. Usually it involves, if I am not mistaken, sitting down with several members of each side and coming to a consensus, sharing insurance ideas, fighting off the left and right and producing 60 or 70 votes. If I am not mistaken, that is the way we do bipartisan bills around here.

Mr. MCCAIN. I say to my friend, indeed. One of the issues I think we ought to continue to understand is one of the key elements of this debate is whether we will have the so-called government option. I know the Senator from Tennessee is going to talk about that. I think it is important for us to look overseas at other countries that are highly industrialized, highly sophisticated, strong economies, countries that have government-run health care.

To say the government option would be just another competitor clearly is not the case; otherwise, we would just have 1,501 new insurance companies in America. If you had the government option, it will lead to a government takeover of health care, and we ought to look at what other countries do.

I am sure the Senator from Tennessee knows this, but it is health care rationing and a level of health care that will not be acceptable in the United States of America. I say that with great respect to our friends in Canada, the British, and other countries that have government-run health care systems. I think that is going to be one of the two major issues: the government-run health care and the employee mandate. Those are what this health care debate will come down to.

It is of great concern, I know, to the Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Arizona. I know he is on his way to work on the health care bill, to take the leadership, to the extent we can, in making it a better bill. I thank him for coming to the floor to discuss that today, and to help us reemphasize that we do not have any disagreement with our friends on the other side about the need to reform health care. I do not think we have any disagreement. At least we want to make sure our principal goal is to make health care affordable for every American. We want your family and you to be able to buy health insurance at a price you can afford and to take care of tragic cases such as the one the majority leader talked about. I think there is a consensus on both sides of the aisle to make sure if you have a preexisting condition you can be insured, and it will not matter where you live.

The Wyden-Bennett proposal, for example, and others, actually also say that you may carry your insurance from one job to the other, so that if you lose your job, or if you change

your job, you still have your insurance because it is your insurance, and it does not just depend upon your employer.

What we are concerned about is the fact that President Obama's administration has already proposed adding, over the next 10 years, more new debt, three times as much new debt actually as was spent in all of World War II in today's dollars. That is the first thing.

The second thing is this idea of the so-called government option. Someone says: What is so bad about that? Think of it this way. Let's say you put some elephants and some mice in one room. You say: OK, fellows, compete. What do you think will happen? Pretty soon there are no mice left; they are all squished. You have a big elephant left. That is your only choice.

We have an example of that in the current Medicaid Program, which is one of the worst government programs imaginable. There are 60 million Americans stuffed in it, primarily because they are low income or disabled. It is run jointly by the Federal Government and by the State government. Every Governor—and this has been true for 25 years, from the time I was Governor—has struggled with finding money to both fund the State's share of it and still have money for higher education and for other State needs.

It is filled with waste. The Congressional Budget Office says 1 out of every 10 taxpayer dollars that are spent for Medicaid is fraud, waste, or abuse. That is $32 billion a year. That is $320 billion over 10 years, enough to make a real dent in whatever we decide to do on health care.

Yet the Democratic proposals that we are seeing involve putting more people into that government program. The problem for the taxpayer is how expensive that is. I have a letter from the Congressional Budget Office dated July 7 to Senator GREGG, the ranking member of the Budget Committee, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 7, 2009.

Hon. JUDD GREGG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: In response to your request, the Congressional Budget Office (CBO) has considered the likely effects on federal spending and health insurance coverage of adding a substantial expansion of eligibility for Medicaid to the Affordable Health Choices Act, a draft of which was recently released by the Senate Committee on Health, Education, Labor, and Pensions (HELP). CBO's preliminary analysis of that draft legislation was provided to Senator Edward M. Kennedy on July 2, 2009; that analysis is available on CBO's web site, www.cbo.gov.

The draft legislation would make a number of changes regarding the financing and provision of health insurance, including establishing insurance exchanges through which coverage could be purchased and providing new federal subsidies to help individuals and families with income between 150 percent and 400 percent of the federal poverty level (FPL) pay for that coverage. Although the draft legislation envisions that Medicaid would be expanded to cover individuals and families with income below 150 percent of the FPL, it does not include provisions to accomplish that goal, and our preliminary analysis (conducted jointly with the staff of the Joint Committee on Taxation) did not reflect such an expansion.

The precise effects on federal costs and insurance coverage of adding an expansion of eligibility for Medicaid up to 150 percent of the FPL would depend importantly on the specific features of that expansion. For example, the effects would depend on how eligibility for the program was determined and on whether the expansion started immediately or only as the proposed insurance exchanges went into operation. The effects would also depend what share of the costs for newly eligible people was borne by the federal government and what share was borne by the states (which would be determined by the average FMAP, or Federal Medical Assistance Percentage). In addition, the effects would depend on whether states faced a maintenance-of-effort requirement regarding their current Medicaid programs.

CBO has not yet had time to produce a full estimate of the cost of incorporating any specific Medicaid expansion in the HELP committee's legislation. However, our preliminary analysis indicates that such an expansion could increase federal spending for Medicaid by an amount that could vary in a broad range around $500 billion over 10 years, Along with that increase in federal spending would come a substantial increase in Medicaid enrollment, amounting to perhaps 15 million to 20 million people. Such an expansion of Medicaid would also have some impact on the number of people who obtain coverage from other sources (including employers). All told, the number of non-elderly people who would remain uninsured would probably decline to somewhere between 15 million and 20 million. (For comparison, CBO's analysis of the draft legislation that was released by the HELP committee found that, absent any expansion of Medicaid or other change in the legislation, about 33 million people would ultimately remain uninsured if it were to be enacted.)

Such an expansion of Medicaid would have some impact on other aspects of the federal budget beyond Medicaid itself (including tax revenues and the proposed payments to the government by employers who do not offer coverage to their workers, which the legislation labels ''equity assessments''). Those additional effects might increase or decrease the effect of the proposal on the federal deficit by as much as $100 billion. It bears emphasizing that this analysis is preliminary and the figures cited are approximate because they do not reflect specific legislative language nor do they incorporate, in detail, a variety of interactions and other effects that changes in Medicaid would cause.

I hope this information is helpful to you. If you have any questions, please contact me or CBO's primary staff contacts for this analysis, Philip Ellis and Holly Harvey.

Yours truly,

DOUGLAS W. ELMENDORF,
Director.

Mr. ALEXANDER. That letter was from Douglas W. Elmendorf, the Director of the Congressional Budget Office, with whom I am about to meet, along with other members of the HELP Committee.

It says: The proposal envisions that Medicaid—that is the Democratic proposal—would be expanded to cover individuals and families with an income below 150 percent of the Federal poverty level.

That sounds good, but the draft legislation does not include provisions to accomplish the goal. About three-quarters of the people who would remain uninsured under this version of the legislation would have income—in other words, even though we are spending trillions more under this proposal, a lot of people are uninsured and three-quarters of them are going to be dumped into Medicaid. For the Federal Government, that is hundreds of billions of new dollars we would have to borrow, and the thought is over time it would be shifted to the States. In the State of Tennessee, based upon conversations we have had with the State Medicaid director, it might add an amount of money to the State's annual budget that would be equal to the amount that a new 10-percent State income tax would take.

That is not even the worst thing about it. The worst thing about it is what it would do to the low-income Americans who are stuffed into the proposal. Some 40 percent of doctors will not see Medicaid patients for all their services—40 percent of doctors. So we say: Congratulations, we are going to run up the Federal debt and add a big State tax, in order to stuff you into a proposal where 40 percent of the doctors today will not see you. It is like giving out a ticket to a bus system that does not have any buses.

What is the alternative? The Republican proposals are completely different. They focus first on the 250 million of us who already have health insurance to try to make sure it is affordable to us, that we can afford it. Then we say let's take the money that is available and give it to the low-income Americans and let them buy, choose, a private health insurance policy more like the policies most of us have. We offer this instead of stuffing them into the Medicaid proposals which are filled with inefficiencies, cannot be managed, and which many doctors will not work with.

That is a better course forward. But, unfortunately, our voices are not being heard on that subject. But we are going to continue to make our case. We have the Burr proposal, the Gregg proposal, the Coburn proposal, the Wyden-Bennett proposal. All are different from the government option, and all do not run up the debt.

In fact, the Wyden-Bennett proposal, which is the only bipartisan proposal before this body today, with several Republican Senators and several Democratic Senators, adds zero to the debt according to the Congressional Budget Office.

Maybe as we go through, if we were seriously considering it, we would find a need to add some costs. But at least we start with the idea that instead of adding $1, $2, or $3 trillion over the next 10 years to the Federal deficit and

dumping a new program onto the States after a few years, which the States in their bankrupt condition, in some cases, cannot afford, at least we would start out with an increased deficit of zero.

We are almost working at the wrong end. Our biggest problem facing the country is the cost of health insurance to every American, not just the uninsured Americans but the 250 million who already have insurance. The other big issue is the cost of government, caused by rising health care costs, and we have gotten away from thinking of ways to bring that under control. There are even proposals floating around to take savings, to cut Medicare and Medicaid and use those dollars to help pay for the Democratic plan.

If we reduce the growth of spending in Medicaid, we should spend it on Medicare, which is increasing at a rate that is going to cause our children and grandchildren never to be able to pay off the national debt.

Republicans stand ready to work with Democrats to produce health care reform this year, despite the majority leader's statement that it is time for Senator BAUCUS to stop chasing Republican votes. We are glad he is chasing Republican votes, and we hope he gets some. But the way we do things around here usually is a group of 15 or 20 Senators, such as Senator MCCAIN and others, sit around and say: OK, let's put our ideas together and come up with a consensus bill, not to operate from a procedure that we won the election, we have 60 votes, and we will write the bill. It is more complicated than that. It needs a broad base of support in the Senate to have a broad base of support in the country. Without that base of support, it will not be successful.

We have made our proposals—the Burr proposal, the Gregg proposal, the Coburn proposal, the Wyden-Bennett proposal. Senator HATCH and Senator CORNYN have a slightly different idea that would give the money to the Governors and let them find a way to cover low-income individuals. As a former Governor, I like that idea. We have an imaginative Democratic Governor in Tennessee who has brought the Medicaid Program there under some control and has come up with several innovative ideas. The difficulty he and other Governors have is that it takes them a year to get permission from Washington to try their innovative ideas to offer the kind of health care to low-income individuals they might need which could be different in Tennessee and different in California.

This is the biggest issue before our country today. It is certainly the biggest issue before Congress. Republicans have our proposals on the table. We are ready to go to work. We want to make sure there are no preexisting conditions left out that disqualify people. We want to make sure that everyone is covered and that we have access to health care at a cost the family budget can afford. We are resolute in our determination not to add trillions more to the national debt and not to dump new debt on the States. We are resolute in our determination not to dump low-income people into a failing government program called Medicaid when a much better alternative is to give them the credits and the vouchers and the cash so they can purchase private health insurance and have coverage more like the rest of Americans have.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. I ask unanimous consent to speak in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from New Mexico, I object.

The Senator from Illinois.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, the issues before the Senate are sometimes weighty and complex, historic. I don't think there is any greater challenge this Senate has faced in modern times than our current debate over health care. This is such a major part of not only the American economy but of our everyday lives that it is hard to think of another issue we have tackled which will be so far-reaching.

The American people understand the need for change when it comes to health care. Even if they have a health insurance policy today they value and trust, they are worried about tomorrow. The cost, the availability, being denied coverage for a preexisting condition, losing a job and losing health insurance, a child who turns age 23 and all of a sudden is on their own in the health insurance market—there is a lot of uncertainty we need to be serious about.

When we think about these issues, many times we put them in the context of Washington. In Washington, the issues are about the people one might see in the corridors. They are lobbyists representing special interest groups who can afford to send people to talk to Senators and Congressmen. They represent doctors and hospitals, health insurance companies, pharmaceutical companies, medical device companies. They all have an interest in this debate because, quite honestly, it goes to the bottom line—whether or not they will be profitable. They, of course, want to maximize their profits if they can.

But the people who are not in the corridors are the ones we ought to be thinking about as well. These are average Americans who got up this morning, and, if they were lucky enough, went to work. They will work hard all day, come home bone weary, trying to keep their family together, and get ready for another day tomorrow.

I think of a mother like Karen Gulva in my home State of Illinois. She is a single mom with a 12-year-old boy with asthma.

I visited, about 10 years ago, the University of Chicago Children's Hospital. The head physician there, the admitting physician at the hospital in the emergency room, said to me: Senator, what would you guess is the No. 1 diagnosis of kids going into emergency rooms in America? And I said: Trauma? They fall off their bicycles and things like that? He said: No. Asthma. Asthma is the No. 1 reason children are seen at emergency rooms across America.

Well, it surprised me because my family has been spared from that problem. I started thinking a lot more about it. I came to the Senate here and started talking to my colleagues. I went to TED KENNEDY—he sat back there in the back row—and I said: I am thinking about an asthma awareness effort. He said: Count me in. My son has asthma. Then I went across the aisle, at the time, and talked to Spencer Abraham, who was a Republican Senator from Michigan. I said: Spencer, I was surprised to learn about this asthma being the No. 1 reason kids go to emergency rooms. He said: I know all about it. I grew up with asthma. Pat Moynihan, who sat in the back row here: Same story.

It dawned on me, even though it had not touched my life personally, it touched the lives of many people in this Chamber and a lot of American families.

Karen Gulva has one of those families. The primary care physician for her 12-year-old son has prescribed daily doses of a lot of medications: Singulair, Allegra, and two different kinds of inhalers. Add these medications to the Strattera he is already taking to regulate his ADD, and you can see that access to medication is essential in the day-to-day life of this typical active 12-year-old boy in my home State of Illinois.

There is more to Karen's story. Karen has a stable full-time job earning a salary of $31,000 a year plus benefits. She falls right into the range of what we call middle-class working Americans. At first, Karen's health insurance premiums were affordable. They reduced her paycheck by $52.50 twice a month—$105 a month. However, costs for that health care have risen dramatically over the last few years. Karen is now paying over $300 a month for her premiums alone.

Remember, she makes $31,000 a year gross. This does not include the $500 deductible or her share of the cost for office visits and prescriptions. The yearly cost of health care for Karen and her son is now so great that it is hard for her to keep up with other payments she has to make—just the basic necessities: food, gas for the car, and car

payments. She is barely scraping by. She refinanced her condo twice this year to stay out of credit card debt.

She has tried everything to bring down her health care costs. She has looked for other health insurance options in the private market, but because her son has what we call a preexisting condition, in this case asthma, she has been denied coverage.

Karen Gulva is not looking for a handout from this government. She just wants some help from the country she supports as a loyal tax-paying American citizen. All she wants is affordable health insurance. All she wants is some peace of mind as a mom that her kid is going to have what he needs to lead a normal life.

That is what the debate is about. It is about the uninsured—50 million people who do not have insurance—but it is also about Karen, a hard-working mom who has watched the cost of health insurance triple in a short period of time and who worries about whether she can keep up with it.

I have listened to a lot of debate coming from the other side of the aisle, and I hope I am not misinterpreting it. But it seems for some on the other side of the aisle they do not view this as a matter of urgency. They do not see this as an issue that requires our immediate, full-scale attention.

I see it differently. I think this gets to the heart of why we are here in the Senate. We are not here to stand on the floor and make speeches. We are here to pass laws that make life better for America and give us a chance for a stronger Nation with stronger families in the years to come. Sometimes we have to tackle some of the issues that are the hardest.

President Obama has told many of us privately and said publicly many times: If health care reform were easy, they would have done it a long time ago. It is not easy. It is not easy because the current expensive system is rewarding people, unfortunately, for the wrong things.

I have referred on the floor before to an article in the New Yorker from June 1 by a doctor, Atul Gawande. It is titled ''The Cost Conundrum.'' Dr. Gawande went to McAllen, TX, to figure out why in the world in that small town the average spent on Medicare recipients was $15,000 a year—one of the highest in the Nation. He could not find a reason. This is not the situation where there is a disease there or elderly people are sicker.

What he found out was the doctors in that town were billing everything imaginable. They were throwing in tests and procedures, piling one on top of the other because they get paid more. The more they do, the more they bill, the more they get paid.

One of the doctors said: Well, you know, it is defensive medicine. We can get sued. And another doctor said: That is not the case at all. Texas has one of the tightest med mal laws in the Nation. It limits the amount anybody could recover for a medical malpractice lawsuit, and there are not many suits that are filed. No. The bottom line is, these doctors have an incentive to bill more to the Medicare system because they get paid more when that happens.

If you go to a place such as Rochester, MN, and the Mayo Clinic, where the doctors are on salary, and their goal is not to pile up the procedures but to get the patient well, you will find the cost of treating Medicare patients is dramatically less in Rochester, MN, than it is in McAllen, TX.

How do you create an incentive in our system for the right outcomes—healthy people with quality care available to them—and reduce the overall cost? Our health care system spends twice as much per person than any other nation on Earth. Our results do not show why that money is being spent. They do not prove that is working to make us a safer, healthier nation.

So now the argument on the other side is that we have to be careful because we might end up with a public option; that is, a health insurance plan as an option that Americans can choose that might be government sponsored. I do not think that is wrong. In fact, I think that is healthy. It is important the private health insurance companies who now rule the roost have competition—somebody keeping an eye on them to make sure they treat people fairly. I think a public plan that does not have a profit motive, that does not worry about marketing, and does not have high administrative costs could be that plan, that competitive option that keeps the private health insurance companies honest.

Many on the other side have stood up and said: Government health insurance plans are a bad idea. Really? Forty-five million Americans are under Medicare today—elderly, disabled Americans covered by Medicare. I have not heard a single person on the other side of the aisle say: Let's get rid of Medicare. It is a bad idea. And you will not hear that because it is a good idea, and it works. There are another 60 million who are covered by Medicaid, our health insurance for the poor. I have not heard any suggestions from the other side of the aisle of eliminating Medicaid.

So 105 million Americans, one-third of our population, are currently insured through a government plan. I think it is a healthy thing. As long as the government plan we are talking about is trying to bring costs down and expand coverage so everybody has the benefit of health insurance, then I think it is a good thing to build into this system.

So the debate will continue, as it should, at the highest levels now. But there is one option we cannot accept, and that is the option of stalemate and the option of failure. I do not know I will ever have another moment in time in my public career to seriously take on the health care reform issue. The last time was 15 years ago under President Clinton.

We have to seize this opportunity. We are lucky to have a President who has stated to many of us and many of the leaders in Congress that this is a priority he is willing to fight for. Even at the expense of his political popularity he wants to get this job done. That is the kind of leadership this country needs on an issue that is critically important to every single person, every family, every business, and, frankly, to the economic future of our Nation.

I encourage my colleagues: Try to find that common ground, try to bring together a bipartisan approach here, some compromise on both sides that comes up with the best approach. Let's bring in those medical professionals who can help us get to a good place. Let's give peace of mind to Karen Gulva and so many others around America who worry every single day about coverage for their kids and for the people they love.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SOTOMAYOR NOMINATION

Mr. SPECTER. Mr. President, I have sought recognition to discuss, first of all, the pending nomination of Judge Sonia Sotomayor for the Supreme Court of the United States.

Judge Sotomayor comes to this nomination with impeccable credentials: summa cum laude at Princeton; Yale Law School; was on the Yale Law Journal; had a distinguished career in private practice; an assistant district attorney with DA Morgenthau in Manhattan; service on a U.S. District court, a trial court; and now serves on the Court of Appeals for the Second Circuit.

The conventional wisdom is that Judge Sotomayor will be confirmed. But notwithstanding the conventional wisdom, under the Constitution it is the responsibility of the Senate, on its advice and consent function, to question the nominee to determine how she would approach important issues. It also presents a good opportunity to shed some light on the operations of the Supreme Court of the United States in an effort to improve those operations.

It has been my practice recently to write letters to the nominees in advance, as I discussed it with Judge Sotomayor during the so-called courtesy visit I had with her, and she graciously consented to respond or to receive the letters and was appreciative of the opportunity to know in advance the issues which would be raised.

Sometimes if an issue comes up fresh, the nominee does not know the case or does not know the issue and may be compelled to say: Well, let me consider that, and I will get back to you. So this enables us at the hearings

to move right ahead into the substantive materials.

The first letter I wrote involved congressional power and the adoption by the Supreme Court of a test on congruence and proportionality, which Justice Scalia called the ''flabby test,'' which enables the Court to, in effect, legislate.

The second letter involved the prospect of televising the Supreme Court to grant greater access to the public to understand what the Supreme Court does.

And the third letter, which I sent to Judge Sotomayor yesterday, involves the issue of the Court's backlog and the opportunities for the Court to take on more work.

Chief Justice Roberts, in his confirmation hearings, noted that the Court ''could contribute more to the clarity and uniformity of the law by taking more cases.''

The number of cases the Supreme Court decided in the 19th century shows it is possible to take up more cases. In 1870, the Court had 636 cases on the docket, decided 280; in 1880, the Court had 1,202 cases on the docket, decided 365; in 1886, the Court had 1,396 cases on the docket, decided 451.

Notwithstanding what Chief Justice Roberts said in his confirmation hearing, during his tenure the number of cases has continued to decline. In the 1985 term, there were 161 signed opinions. In the 2007 term, with Chief Justice Roberts in charge, there were only 67 decided cases.

The Court has what is called a ''cert. pool,'' where seven of the nine Justices—excluding only Justice Stevens and Justice Alito—have their clerks do the work, suggesting that the Justices spend little time if any on the cert. petitions except to examine a memo in this sort of a pool, raising questions as to whether that is adequate on individualized justice with the individual Justices considering these issues. The Justices can't consider the thousands of cases which are filed, but there may be a better system, as Justice Stevens and Justice Alito have it, with their taking their own individual responsibility.

There is another major problem in the Court and that is its failure to take on cases where the courts of appeals for the circuits are split. There are many such cases. In my letter to Judge Sotomayor, I have identified some. Illustrative of the cases are important issues such as mandatory minimums for the use of a gun in drug trafficking or the propriety of a jury consulting the Bible during its deliberations. Justice Scalia, in dissenting on one of the refusals to take up a case with a circuit split, said this—dissenting, Justice Scalia wrote:

> In light of the conflicts among the circuits, I would grant the petition for certiorari and squarely confront both the meaning and the constitutionality of the section involved.

He went on to say:

> Indeed, it seems to me quite irresponsible to let the current chaos prevail.

Well, that is the kind of chaos which prevails when two circuits split. The case may come up in another circuit where the precedents are divided, and it seems to me that the Court ought to take up the issues. That could be ameliorated by a change in the rules. Four Justices must agree to hear a case, and I intend to ask Judge Sotomayor her views on this subject and on her willingness, perhaps, to be interested in taking cases with only three Justices or perhaps two Justices.

The refusal of the Court to take up these major cases is very serious, illustrated by its denial of consideration of perhaps the major—or at least a major—conflict between the power of Congress under article I of the Constitution to enact the Foreign Intelligence Surveillance Act, which provided for the exclusive means to have wiretap warrants issued, contrasted with President Bush's warrantless wiretap procedures under the terrorist surveillance program. The Detroit District Court found the terrorist surveillance program unconstitutional. The Sixth Circuit decided it would not decide the case by finding a lack of standing. In the letter to Judge Sotomayor, I cite the reasoning of the dissenting judge, showing the flexibility of the standing doctrine. Then the Supreme Court of the United States decides not to decide the case. It so happens, in so many matters, what the Court decides not to decide may well be more important than what the Court actually does decide.

These are issues which I intend to take up with Judge Sotomayor. I ask unanimous consent that the text of my letter to Judge Sotomayor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 7, 2009.

Hon. SONIA SOTOMAYOR,
c/o The Department of Justice,
Washington, DC.

DEAR JUDGE SOTOMAYOR: As noted in my letters of June 15 and June 25, I am writing to alert you to subjects which I intend to cover at your hearing. During our courtesy meeting you noted your appreciation of this advance notice. This is the third and final letter in this series.

The decisions by the Supreme Court not to hear cases may be more important than the decisions actually deciding cases. There are certainly more of them. They are hidden in single sentence denials with no indication of what they involve or why they are rejected. In some high profile cases, it is apparent that there is good reason to challenge the Court's refusal to decide.

The rejection of significant cases occurs at the same time the Court's caseload has dramatically decreased, the number of law clerks has quadrupled, and justices are observed lecturing around the world during the traditional three-month break from the end of June until the first Monday in October while other Federal employees work 11 months a year.

During his Senate confirmation hearing, Chief Justice John G. Roberts, Jr. said the Court ''could contribute more to the clarity and uniformity of the law by taking more cases.''[i] The number of cases decided by the Supreme Court in the 19th century shows the capacity of the nine Justices to decide more cases. According to Professor Edward A. Hartnett: ''. . . in 1870, the Court had 636 cases on its docket and decided 280; in 1880, the Court had 1,202 cases on its docket and decided 365; and in 1886, the Court had 1,396 cases on its docket and decided 451.''[ii] The downward trend of decided case is noteworthy since 1985 and has continued under Chief Justice Roberts' leadership. The number of signed opinions decreased from 161 in the 1985 term to 67 in the 2007 term.[iii]

It has been reported that seven of the nine justices, excluding Justices Stevens and Alito, assign their clerks to what is called a ''cert. pool'' to review the thousands of petitions for certiorari. The clerk then writes and circulates a summary of the case and its issues suggesting justices' reading of cert. petitions is, at most, limited.

At a time of this declining caseload, the Supreme Court has left undecided circuit court splits of authority on many important cases such as: 1) The necessity for an agency head to personally assert the deliberative process privilege;[iv]

2) Mandatory minimums for use of a gun in drug trafficking;[v]

3) Equitable tolling of the Federal Tort Claims Act's statute of limitations period,[vi]

4) The standard for deciding whether a Chapter 11 bankruptcy may benefit from executory contracts;[vii]

5) Construing the honest services provisions of fraud law;[viii] and

6) The propriety of a jury consulting the Bible during deliberations.[ix]

One procedural change for the Court to take more of these cases would be to lower the number of justices required for cert. from four to three or perhaps even to two.

Of perhaps greater significance are the high-profile, major constitutional issues which the court refuses to decide involving executive authority, congressional authority and civil rights. A noteworthy denial of cert. occurred in the Court's refusal to decide the constitutionality of the Terrorist Surveillance Program which brought into sharp conflict Congress' authority under Article I to establish the exclusive basis for wiretaps under the Foreign Intelligence Surveillance Act with the President's authority under Article II as Commander in Chief to order warrantless wiretaps.

That program operated secretly from shortly after 9/11 until a New York Times article in December 2005. In August 2006, the United States District Court for the Eastern District of Michigan found the program unconstitutional.[x] In July 2007, the Sixth Circuit reversed 2–1, finding lack of standing.[xi] The Supreme Court then denied certiorari.[xii]

The dissenting opinion in the Sixth Circuit demonstrated the flexibility of the standing requirement to provide the basis for a decision on the merits. Judge Gilman noted, ''the attorney-plaintiffs in the present case allege that the government is listening in on private person-to-person communications that are not open to the public. These are communications that any reasonable person would understand to be private.''[xiii] After analyzing the standing inquiry under a recent Supreme Court decision, Judge Gilman would have held that, ''[t]he attorney-plaintiffs have thus identified concrete harms to themselves flowing from their reasonable fear that the TSP will intercept privileged communications between themselves and their clients.''[xiv] On a matter of such importance, the Supreme Court could at least have granted certiorari and decided that standing was a legitimate basis on which to reject the decision on the merits.

On June 29, 2009, the Supreme Court refused to consider the case captioned In re Terrorist Attacks on September 11, 2001,[xv] in which the families of the 9/11 victims sought damages from Saudi Arabian princes personally, not as government actors, for financing Muslim charities knowing those funds would be used to carry out Al Qaeda jihads against the United States.[xvi] The plaintiffs sought an exception to the sovereign immunity specified in the Foreign Sovereign Immunities Act of 1976. Plaintiffs' counsel had developed considerable evidence showing Saudi complicity. Had the case gone forward, discovery proceedings had the prospect of developing additional incriminating evidence.

My questions are:

1) Do you agree with the testimony of Chief Justice Roberts at his confirmation hearing that the Court ''could contribute more to clarity and uniformity of the law by taking more cases?''

2) If confirmed, would you favor reducing the number of justices required to grant petitions for certiorari in circuit split cases from four to three or even two?

3) If confirmed, would you join the cert. pool or follow the practice of Justices Stevens and Alito in reviewing petitions for cert. with the assistance of your clerks?

4) Would you have voted to grant certiorari in the case captioned In re Terrorist Attacks on September 11, 2001?

5) Would you have voted to grant certiorari in A.C.L.U. v. N.S.A.—the case challenging the constitutionality of the Terrorist Surveillance Program?

Sincerely,

ARLEN SPECTER.

ENDNOTES

[i] Confirmation Hearing on the Nomination of John G. Roberts, Jr. to Be Chief Justice of the United States: Hearing Before the S. Comm. on the Judiciary, 109th Cong. 337 (2005) (statement of John G. Roberts Jr.).

[ii] Edward A. Hartnett, ''Questioning Certiorari: Some Reflections Seventy-Five Years After the Judges' Bill,'' 100 Colum. L. Rev. 1643, 1650 (Nov. 2000).

[iii] *See* Kenneth W. Starr, The Supreme Court and Its Shrinking Docket: The Ghost of William Howard Taft, 90 Minn. L. Rev. 1363, 1368 (May 2006); Supreme Court of the United States, 2008 Year-End Report on the Federal Judiciary, Dec. 31, 2008, available at http://www.supremecourtus.gov/publicinfo/year-end/2008year-endreport.pdf.

[iv] *See Dep't of Energy* v. *Brett*, 659 F.2d 154, 156 (Temp. Emer. Ct. App. 1981) (holding that the trial court erred in ruling the deliberative process privilege could only be invoked by an Agency head); *Marriott Int'l Resorts, L.P.*, v. *United States*, 437 F.3d 1302, 1306–08 (Fed. Cir. 2006) (finding that it was proper for IRS Commissioner to delegate responsibility for invoking deliberative process privilege to Assistant Chief Counsel); *Landry* v. *Fed. Deposit Ins. Corp.*, 204 F.3d 1125, 1135–36 (D.C. Cir. 2000) (commenting that lesser officials can invoke the deliberative process and law enforcement privileges), *cert. denied*, 531 U.S. 924 (Oct. 10, 2000); *Branch* v. *Phillips Petroleum Co.*, 638 F.2d 873, 882–83 (5th Cir. 1981) (commenting that, while United States v. Reynolds, 345 U.S. 1 (1953), indicates that Agency head must invoke, the EEOC sufficiently complied when the director of its Houston office, a subordinate, invoked the privilege on the EEOC's behalf). *Contra United States* v. *O'Neill*, 619 F.2d 222, 225 (3d Cir. 1980) (rejecting invocation of executive privilege by an attorney rather than the department head).

[v] *See United States* v. *Brown*, 449 F.3d 154, 155 (D.C. Cir. 2006) (considering increasing progression of penalties in the statute to imply an intent requirement in provision penalizing discharge of a firearm during commission of a crime of violence); *United States* v. *Dare*, 425 F.3d 634, 641 n. 3 (9th Cir. 2005) (noting that '''discharge' requires only a general intent''). *Contra United States* v. *Dean*, 517 F.3d 1224, 1230 (11th Cir. 2008) (finding *Brown* reasoning unpersuasive ''because discharging a firearm, regardless of intent, presents a greater risk of harm than simply brandishing a weapon without discharging it''); *United States* v. *Nava-Sotelo*, 354 F.3d 1202, 1204–05 (10th Cir. 2003) (finding the plain language of the statute to require mandatory minimum sentence even if discharge was accidental or involuntary).

[vi] *Compare Gonzalez* v. *United States*, 284 F.3d 281, 288 (1st Cir. 2002) (noting that it ''has repeatedly held that compliance with this statutory requirement is a jurisdictional prerequisite to suit that cannot be waived'') (citations omitted) with *Valdez ex rel. Donely* v. *United States*, 518 F.3d 173, 185 (2d Cir. 2008) (declining to determine whether to apply equitable tolling to the FTCA statute of limitations); and *Hughes* v. *United States*, 263 F.3d 272, 277–78 (3d Cir. 2001) (holding that the FTCA's statute of limitations is non-jurisdictional and applying equitable tolling).

[vii] *Compare N.C.P. Marketing Group, Inc.* v. *BG Star Productions, Inc.*, 279 Fed.Appx. 561 (9th Cir. 2008), *cert. denied*, *N.C.P. Marketing Group, Inc.* v *BG Star Productions, Inc.*, 129 S.Ct. 1577 (Mar. 23, 2009) (affirming lower court decision, which used ''hypothetical test'' to ''examin[e] whether, hypothetically without looking to the individual facts of the case, any executory contracts could be assumed under applicable federal law,'' *N.C.P. Marketing Group, Inc.* v. *Blanks*, 337 B.R. 230, 234 (D. Nev. 2005)); *In re James Cable Partners, L. P.*, 27 F.3d 534, 537–38 (11th Cir. 1994) (using ''hypothetical test''); and *In re West Electronics, Inc.*, 852 F.2d 79, 83 (3rd Cir. 1988) (same); with *In re Sunterra Corp.*, 361 F.3d 257, 262 (4th Cir. 2004) (using ''actual test,'' under which ''a court must make a case-by-case inquiry into whether the non-debtor party would be compelled to accept performance from someone other than the party with whom it had originally contracted, and a debtor would not be preclude from assuming a contract unless it *actually* intended to assign the contract to a third party'' (emphasis in original)).

[viii] *Compare United States* v. *Sorich*, 523 F.3d 702, 707 (7th Cir. 2008), *cert denied Sorich* v. *United States*, 129 S.Ct. 1308 (Feb. 23, 2009) (''[m]isuse of office (more broadly, misuse of position) for private gain is the line that separates run-of-the-mill violations of state-law fiduciary duty . . . from federal crime'' (quoting *United States* v. *Bloom*, 459 F.3d 509, 520–21 (7th Cir. 1998); with *United States* v. *Brumley*, 116 F.3d 728, 735 (5th Cir. 1997) (concluding that the statute ''applies to deprivations of honest services by state employees and that such services must be owed under state law''); and *United States* v. *Panarella*, 277 F.3d 678, 692 (3rd Cir. 2002) (rejecting ''personal gain'' as a requisite motivation of the crime).

Dissenting in the *Sorich* cert. denial, Justice Scalia wrote, ''In light of the conflicts among the Circuits; the longstanding confusion over the scope of the statute; and the serious due process and federalism interests affected by the expansion of criminal liability that this case exemplifies, I would grant the petition for certiorari and squarely confront both the meaning and the constitutionality of §1346. Indeed, it seems to me quite irresponsible to let the current chaos prevail.'' 129 S.Ct. at 1311.

[ix] *Compare Oliver* v. *Quarterman*, 541 F.3d 329, 340 (5th Cir. 2008), *cert. denied*, *Oliver* v. *Quarterman*, 129 S.Ct. 1985 (Apr. 20, 2009) (holding that jury consultation of a Bible amounted to an unconstitutional outside influence on its deliberations); and *McNair* v. *Campbell*, 416 F.3d 1291, 1307–09 (11th Cir. 2005) (noting that the use of a Bible during jury deliberations was presumptively prejudicial but that the state had ''easily carried its burden of rebutting the presumption of prejudice.''); with *Robinson* v. *Polk*, 438 F.3d 350, 363–65 (4th Cir. 2006) (holding that the lower court did not act unreasonably when it denied a defendant's claim that he was prejudiced by the jury's reading of the Bible during its deliberations, noting, ''Unlike [private communications], which impose pressure upon a juror apart from the juror himself, the reading of Bible passages invites the listener to examine his or her own conscience from within.'').

[x] *American Civil Liberties Union* v. *National Security Agency* (''*A.C.L.U* v. *N.S.A.*''), 438 F.Supp.2d 754 (E.D.Mich. 2006) (Anna Diggs Taylor, J.).

[xi] *A.C.L.U.* v. *N.S.A.*, 493 F.3d 644 (6th Cir. 2007).

[xii] i 128 S.Ct. 1334 (2008).

[viii] 493 F.3d at 697.

[xiv] Id.

[xv] 538 F.3d 71 (2d Cir. 2008).

[xvi] *Federal Ins. Co.* v. *Kingdom of Saudi Arabia*, —S.Ct.—, 2009 WL 1835181 (Jun. 29, 2009).

HEALTH CARE

Mr. SPECTER. Mr. President, moving on to a second subject, The New York Times today has an analysis of health care which bears directly upon the legislation which will soon be considered by the Congress on comprehensive health care. The article focuses on prostate cancer, for illustrative purposes, to raise the issue that the key factor of holding down costs is not being attended to under the current system because there are no determinations as to what is affected.

The article points out that the obvious first step is figuring out what actually works. It cites a number of approaches for dealing with prostate cancer, varying from a few thousand dollars to $23,000, to $50,000 to $100,000. It notes that drug and device makers have no reason to finance such trials because insurers now pay for expensive treatments, even if they aren't effective. The article notes that the selection customarily made is the one which is the most effective.

I have talked to Senator BAUCUS and Senator DODD and have written to them concerning my suggestion in this field. I ask unanimous consent that the text of the New York Times article be printed in the RECORD, together with my letters to Senator BAUCUS, Senator DODD, and Senator KENNEDY.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 8, 2009]

IN HEALTH REFORM, A CANCER OFFERS AN ACID TEST

(By David Leonhardt)

It's become popular to pick your own personal litmus test for health care reform.

For some liberals, reform will be a success only if it includes a new government-run insurance plan to compete with private insurers. For many conservatives, a bill must exclude such a public plan. For others, the crucial issue is how much money Congress spends covering the uninsured.

My litmus test is different. It's the prostate cancer test.

The prostate cancer test will determine whether President Obama and Congress put together a bill that begins to fix the fundamental problem with our medical system: the combination of soaring costs and mediocre results. If they don't, the medical system will remain deeply troubled, no matter what other improvements they make.

The legislative process is still in the early stages, and Washington is likely to squeeze some costs out of the medical system. But the signals coming from Capitol Hill are still worrisome, because Congress has not seemed willing to change the basic economics of health care.

So let's talk about prostate cancer. Right now, men with the most common form—slow-growing, early-stage prostate cancer—can choose from at least five different courses of treatment. The simplest is known as watchful waiting, which means doing nothing unless later tests show the cancer is worsening. More aggressive options include removing the prostate gland or receiving one of several forms of radiation. The latest treatment—proton radiation therapy—involves a proton accelerator that can be as big as a football field.

Some doctors swear by one treatment, others by another. But no one really knows which is best. Rigorous research has been scant. Above all, no serious study has found that the high-technology treatments do better at keeping men healthy and alive. Most die of something else before prostate cancer becomes a problem.

''No therapy has been shown superior to another,'' an analysis by the RAND Corporation found. Dr. Michael Rawlins, the chairman of a British medical research institute, told me, ''We're not sure how good any of these treatments are.'' When I asked Dr. Danielle Perlroth of Stanford University, who has studied the data, what she would recommend to a family member, she paused. Then she said, ''Watchful waiting.''

But if the treatments have roughly similar benefits, they have very different prices. Watchful waiting costs just a few thousand dollars, in follow-up doctor visits and tests. Surgery to remove the prostate gland costs about $23,000. A targeted form of radiation, known as I.M.R.T., runs $50,000. Proton radiation therapy often exceeds $100,000.

And in our current fee-for-service medical system—in which doctors and hospitals are paid for how much care they provide, rather than how well they care for their patients—you can probably guess which treatments are becoming more popular: the ones that cost a lot of money.

Use of I.M.R.T. rose tenfold from 2002 to 2006, according to unpublished RAND data. A new proton treatment center will open Wednesday in Oklahoma City, and others are being planned in Chicago, South Florida and elsewhere. The country is paying at least several billion more dollars for prostate treatment than is medically justified—and the bill is rising rapidly.

You may never see this bill, but you're paying it. It has raised your health insurance premiums and left your employer with less money to give you a decent raise. The cost of prostate cancer care is one small reason that some companies have stopped offering health insurance. It is also one reason that medical costs are on a pace to make the federal government insolvent.

These costs are the single most important thing to keep in mind during the health care debate. Making sure that everyone has insurance, important as that is, will not solve the cost problem. Neither will a new public insurance plan. We already have a big public plan, Medicare, and it has not altered the economics of prostate care.

The first step to passing the prostate cancer test is laying the groundwork to figure out what actually works. Incredibly, the only recent randomized trial comparing treatments is a 2005 study from Sweden. (It suggested that removing the prostate might benefit men under 65, which is consistent with the sensible notion that younger men are better candidates for some aggressive treatments.)

''There is no reason in the world we have to be this uncertain about the relative risks and benefits,'' says Dr. Sean Tunis, a former chief medical officer of Medicare.

Drug and device makers have no reason to finance such trials, because insurers now pay for expensive treatments even if they aren't more effective. So the job has to fall to the government—which, after all, is the country's largest health insurer.

Obama administration officials understand this, and the stimulus bill included money for such research. But stimulus is temporary. The current House version of the health bill does not provide enough long-term financing.

The next step involves giving more solid information to patients. A fascinating series of pilot programs, including for prostate cancer, has shown that when patients have clinical information about treatments, they often choose a less invasive one. Some come to see that the risks and side effects of more invasive care are not worth the small—or nonexistent—benefits. ''We want the thing that makes us better,'' says Dr. Peter B. Bach, a pulmonary specialist at Memorial Sloan-Kettering Cancer Center, ''not the thing that is niftier.''

The current Senate bill would encourage doctors to give patients more information. But that won't be nearly enough to begin solving the cost problem.

To do that, health care reform will have to start to change the incentives in the medical system. We'll have to start paying for quality, not volume.

On this score, health care economists tell me that they are troubled by Congress's early work. They are hoping that the Senate Finance Committee will soon release a bill that does better. But as Ron Wyden, an Oregon Democrat on the committee, says, ''There has not been adequate attention to changing the incentives that drive behavior.'' One big reason is that the health care industry is lobbying hard for the status quo.

Plenty of good alternatives exist. Hospitals can be financially punished for making costly errors. Consumers can be given more choice of insurers, creating an incentive for them to sign up for a plan that doesn't cover wasteful care. Doctors can be paid a set fee for some conditions, adequate to cover the least expensive most effective treatment. (This is similar to what happens in other countries, where doctors are on salary rather than paid piecemeal—and medical care is much less expensive.)

Even if Congress did all this, we would still face tough decisions. Imagine if further prostate research showed that a $50,000 dose of targeted radiation did not extend life but did bring fewer side effects, like diarrhea, than other forms of radiation. Should Medicare spend billions to pay for targeted radiation? Or should it help prostate patients manage their diarrhea and then spend the billions on other kinds of care?

The answer isn't obvious. But this much is: The current health care system is hard-wired to be bloated and inefficient. Doesn't that seem like a problem that a once-in-a-generation effort to reform health care should address?

U.S. SENATE,
Washington, DC, June 17, 2009.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Washington, DC.

DEAR MAX: I write to call to your personal attention provisions on bio-medical research which, in my judgment, are critical—arguably indispensable—for inclusion in comprehensive health care reform legislation.

I urge that authorization for the National Institutes of Health be set at a new baseline of $40 billion, reflecting the current $30 billion level plus the $10 billion from the stimulus package. The Administration's current request of $443 million is totally insufficient since at least $1 billion is necessary to keep up with inflation and additional funding is necessary to maintain an appropriate level for more innovative research grants.

When the appropriations for NIH, spearheaded by Senator Harkin and myself, were increased by $3 to $3.5 billion each year, there was a dramatic decrease in deaths attributable to many maladies. Since reform legislation has as two principal objectives, improving the quality of health care and reducing costs, the best way to reach those objectives is through increasing funding for bio-medical research at NIH.

The second item which I urge for inclusion in comprehensive health reform legislation is specified in S. 914, the Cures Acceleration Network Act which I introduced on April 28, 2009. That bill would help our nation's medical research community bridge what practitioners call the ''valley of death'' between discoveries in basic science and new effective treatments and cures for the diseases. This translational medical research will accelerate medical progress at the patient's bedside and maximize the return on the substantial investments being made on bio-medical research.

I look forward to working with you on these proposals as well as other facets of comprehensive health care reform.

I am sending an identical letter to Senator Kennedy.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, July 8, 2009.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR CHRIS: Before the 4th of July recess, I mentioned to you on the Senate floor my strong interest in including a $40 billion annual base for NIH and my proposed Cures Accelerated Network Act (S.914) in the comprehensive health care reform legislation.

I am enclosing a copy of a letter which I sent to Chairman Kennedy on June 17, 2009 which spells out in some detail my proposals.

Thanks very much for your consideration of this request.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, June 17, 2009.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pension, Washington, DC.

DEAR TED: I write to call to your personal attention provisions on bio-medical research which, in my judgment, are critical—arguably indispensable—for inclusion in comprehensive health care reform legislation.

I urge that authorization for the National Institutes of Health be set at a new baseline of $40 billion, reflecting the current $30 billion level plus the $10 billion from the stimulus package. The Administration's current request of $443 million is totally insufficient

since at least $1 billion is necessary to keep up with inflation and additional funding is necessary to maintain an appropriate level for more innovative research grants.

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I look forward to working with you on these proposals as well as other facets of comprehensive health care reform.

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Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, it is my view that this is a critical and arguably indispensable item to be taken up in this comprehensive health care reform—and certainly weighs heavily on my mind—and that is to fund the National Institutes of Health at the $30 billion currently as the base, plus the $10 billion in the stimulus package, for a base of $40 billion. The results from medical research have been phenomenal, with decreases in fatality to stroke, breast cancer, and many other of the health maladies. Then, to combine that with legislation which I have introduced, S. 914, the Cures Acceleration Network, which addresses the issue taken up by The New York Times, and that is to make a determination of what actually works.

There has been identified a so-called ''valley of death'' between the bench and clinical research and the bedside and application of the research. The pharmaceutical companies do not take up this issue because of the cost. This is something which ought to be taken up by the Federal Government as the dominant funder for the National Institutes of Health. So should the comprehensive health care include this issue to address, in a meaningful way, the very high costs of medical care? Certainly, if the tests make a determination that the less-expensive items are the ones which ought to be followed, that could meet the Federal standard and that could prevail.

HOLOCAUST LOOTED ART RETRIEVAL

Mr. SPECTER. Mr. President, moving to yet another subject, there is a major miscarriage of justice currently being perpetrated on the victims of the Holocaust and their survivors. The Washington Post, 2 weeks ago Sunday, on June 28, pointed out that Holocaust survivors and their heirs are battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries and Washington a decade ago to resolve the claims.

At a major conference underway in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks, from invaluable masterpieces to items of mostly sentimental value, remain lost or beyond legal research of their victimized owners and descendants.

Stuart Eizenstat, head of the U.S. delegation to the conference said:

This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims.

The article goes on to point out that:

In December 1998, after many world-famous museums were found to have Nazi-tainted art in their collections, representatives from 44 countries met in Washington and endorsed guidelines for investigating claims of stolen items and returning them to their rightful owners.

Notwithstanding that international determination, the program has not been carried out.

The article goes on to cite the case involving Mr. Michael Klepetar, a real estate project manager from Prague, who has been trying for 9 years to persuade the Czech National Gallery to relinquish 43 paintings that once belonged to his great uncle, Richard Popper, a prominent collector who was deported to Poland and perished in the Jewish ghetto in the city of Lodz. Popper's wife and daughter also died in the Nazi camps. The National Gallery in Czechoslovakia has refused to part with the paintings, citing a law adopted in 2000 by the Czech Government that entitles only Holocaust victims or their ''direct descendants'' to file claims for the property. The Ministry of Culture in Czechoslovakia has classified 13 of the looted artworks as ''cultural treasures,'' a designation that prevents them from being taken out of the country.

Mr. Klepetar went on to point out the salient underlying factor:

This country—

Referring to Czechoslovakia—

like most of the region, has always been anti-semitic through the centuries. The only difference now is that it's not politically correct. That's the root of the whole problem.

I am writing today to Secretary of State Clinton asking her to use the persuasive power of the Department of State to rectify this problem. I am also writing to the State Department legal counselor, inquiring about what enforcement action might be taken in international legal tribunals to rectify this situation.

I ask unanimous consent that a copy of the Post article, and the copies of my letters to Secretary Clinton and the State Department legal adviser be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 2009]

JEWS REMAIN STYMIED IN EFFORTS TO RECLAIM ART LOOTED BY NAZIS

(By Craig Whitlock)

Holocaust survivors and their heirs are still battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries in Washington a decade ago to resolve the claims.

At a major conference underway here in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks, from invaluable masterpieces to items of mostly sentimental value, remain lost or beyond legal reach of their victimized owners and descendants.

''This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims,'' said Stuart Eizenstat, head of the U.S. delegation to the conference and a former ambassador and deputy Treasury secretary during the Clinton administration.

The Holocaust Era Assets Conference, hosted by the Czech Republic, is an attempt to revive a global campaign that began 11 years ago to track down long-lost art collections that were confiscated or acquired under dubious circumstances during the Holocaust.

In December 1998, after many world-famous museums were found to have Nazi-tainted art in their collections, representatives from 44 countries met in Washington and endorsed guidelines for investigating claims of stolen items and returning them to their rightful owners.

The guidelines, known in the art world as the Washington Principles, have eased the return of looted art in many cases. Despite their endorsement by most European countries and the United States, however, the guidelines are legally nonbinding. They are also often ignored in practice by museums and governments that profess in public to abide by them, according to art experts.

Michel Klepetar, a real-estate project manager from Prague, has been trying for nine years to persuade the Czech National Gallery to relinquish 43 paintings that once belonged to his great-uncle, Richard Popper, a prominent collector who was deported to Poland and perished in the Jewish ghetto in the city of Lodz.

Popper's wife and daughter also died in Nazi camps. Klepetar, 62, and his brother are their closest living relatives. But the National Gallery has refused to part with the paintings, citing a law adopted in 2000 by the Czech government that entitles only Holocaust victims or their ''direct descendants'' to file claims for stolen property.

In an interview, Klepetar argued that the Czech law was unconstitutional, unethical and particularly unfair to Jews. An estimated 6 million Jews were killed in the Holocaust; many families were survived only by distant relatives.

''This country, like most of the region, had always been anti-Semitic through the centuries,'' he said. ''The only difference now is that it's not politically correct. That's the root of the whole problem.''

Klepetar's great-uncle had amassed a collection of 127 artworks—mostly Flemish and

Dutch paintings from the 17th and 18th centuries—which vanished after the war. In 2000, however, Klepetar said someone leaked him part of a confidential Czech government report on looted art that indicated 43 of the paintings had been in the National Gallery's possession since the early 1950s.

The National Gallery later acknowledged it had the paintings but refused to divulge any details, such as how they were acquired, their condition or their precise location. Klepetar has pressed his claim in the Czech courts for several years but has lost repeatedly because he is not considered a direct descendant under the law.

Tomas Jelinek, vice president of the Czech Committee for Nazi Victims, said the government's decision to pass the 2000 law that limits who can file claims for Holocaust assets was designed to protect public galleries and government institutions.

''You have all these people in charge of the museums, and they don't want to lose their assets,'' he said. ''There are always people who say, 'Why should we give these valuable objects from our collections away?' ''

Tomas Wiesner, director of galleries and museums for the Czech Ministry of Culture, did not respond to requests for comment.

Art experts credited the Czech government with taking steps to make it easier to find and return looted art. In 2001, for instance, it established the Documentation Center for Property Transfers of Cultural Assets of World War II Victims, which maintains a public online database of artworks in Czech museums that once may have been owned by Holocaust victims.

The database, however, offers limited information and is hampered by spotty recordkeeping. For example, it lists only eight of the 43 paintings in the National Gallery that were part of Klepetar's family collection, even though the museum has acknowledged it has the others as well.

The Documentation Center also does not publish statistics on how many claims have been filed on behalf of Holocaust victims, or how many artworks have been returned. Helena Krajcova, director of the center and cochair of the looted-art panel for the Holocaust Era Assets Conference, did not respond to requests for an interview.

Czech officials have sometimes taken extraordinary legal measures to prevent the return of looted art.

In December, the American heirs of Emil Freund, a Prague lawyer and collector who was killed during the Holocaust, reacquired 32 paintings and drawings that had been in the custody of the National Gallery for decades. But the Ministry of Culture classified 13 of the looted artworks as cultural treasures, a designation that prevents them from being taken out of the country.

Michaela Sidenberg, curator for visual art at the Jewish Museum in Prague, a private institution, said Holocaust survivors and their families are repeatedly stonewalled in the Czech Republic, despite official policy to make it simple for them to file claims for artwork taken by the Nazis.

''It's like a hot potato being thrown around,'' she said. ''The claimants are kicked around from one bureaucracy to another. Everybody is just looking for some alibi and to avoid taking responsibility.''

Asked about such criticism, Stefan Fule, the Czech Republic's minister for European Union affairs, said his government's hosting of the conference on Holocaust-era assets demonstrates its dedication to resolving such claims fairly.

''These are serious questions that need to be seriously addressed,'' he said at a news briefing Friday. He declined to say, however, whether the Czech government would consider changing its laws so that distant relatives would be allowed to inherit property stolen by the Nazis.

In the meantime, Klepetar said he will keep pressing his case for the return of his great-uncle's collection, even though he predicted that there was ''almost zero'' chance that the Czech government would change its laws or policies.

''No, no, I'm not going to give up,'' he said. ''It's the principle. Like they say, a Jew should never let anyone [defecate] on his head. And you can quote that.''

U.S. SENATE,
Washington, DC, July 8, 2009.

Hon. HAROLD KOH
Legal Adviser, U.S. Department of State, Washington, DC.

DEAR DEAN KOH: With this letter, I am enclosing a copy of a letter I am sending today to Secretary of State Clinton.

I would appreciate it if you would review this situation to determine if there is any legal action which could be brought in international court to obtain the return of this artwork.

I am delighted to see you at work on your new job after a hard-fought confirmation battle.

My best.

Sincerely,

ARLENE SPECTER.

U.S. SENATE,
Washington, DC, July 8, 2009.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, Department of State, Washington, DC.

DEAR HILLARY: I write to call to your personal attention a gross miscarriage of justice which is being perpetuated on victims and survivors of Holocaust victims who are being deprived of their rights to reacquire works of art illegally confiscated by the Nazis.

The situation is succinctly set forth in an article in the Washington Post on June 28, 2009:

''Holocaust survivors and their heirs are battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries in Washington a decade ago to resolve the claims. At a major conference underway in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks from invaluable masterpieces to items of mostly sentimental value remain lost or beyond legal reach of their victimized owners and descendants.''

Ambassador Stuart Eizenstat, head of the U.S. delegation to the Conference, said:

''This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims.''

The article further specifies the unsuccessful efforts of individuals to reclaim these works of art. One of those individuals, Mr. Michael Klepetar, focuses on the underlying reason:

''This country, like most of the region, had always been anti-Semitic through the centuries. The only difference now is that it's not politically correct. That's the root of the whole problem.''

The Czech Ministry of Culture classified 13 of the looted artworks as cultural treasures, a designation that prevents them from being taken out of the country. The Czech National Gallery has refused to turn over these works of art citing a 2000 statute adopted by the Czech government which entitles only Holocaust victims or their ''direct descendants'' to file claims for the property.

I request that you review this situation with a view to bring whatever diplomatic pressure is possible in Czechoslovakia and elsewhere to see to it that these works of art are returned to the Holocaust victims or their survivors. I am writing to Secretary of State Legal Adviser Harold Koh asking him to determine if there is any way to initiate legal proceedings in an international court to reclaim these works of art in Czechoslovakia and elsewhere.

For your review, I am enclosing the full text of the Washington Post article.

My best.

Sincerely,

ARLEN SPECTER.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2892

Mr. SPECTER. Mr. President, I have been asked by the leader to propound a unanimous consent request as follows: That the order of July 7 be modified to provide that after the Senate resumes H.R. 2892, the time until 10:55 a.m. be for debate with respect to the Sessions amendment No. 1371 and all other provisions of the July 7 order remain in effect.

The PRESIDING OFFICER (Mr. BENNET). Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2892, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid (for Byrd-Inouye) amendment No. 1373, in the nature of a substitute.

Sessions amendment No. 1371 (to amendment No. 1373), to make the pilot program for employment eligibility confirmation for aliens permanent and to improve verification of immigration status of employees.

DeMint amendment No. 1399 (to amendment No. 1373), to require the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010.

Feingold amendment No. 1402 (to amendment No. 1373), to require grants for Emergency Operations Centers and financial assistance for the predisaster mitigation program to be awarded without regard to earmarks.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 1399

Mr. DEMINT. Mr. President, I wish to speak briefly about an amendment that will be up second, I believe, this morning. It is about our southern border in this United States.

I think we have made some propositions to the American people to secure our southern border. We have

passed laws that are currently not being followed, and I think we see the result of that in Mexico as well as in the United States. Our southern border has become a battleground. It is a place not only where illegal immigrants and workers come into our country, but drug trafficking and weapons trafficking are real security issues. We are destabilizing Mexico with all that is going on because we refuse to carry out our promise to the American people to secure that border. We cannot have security in the United States unless we have a secure border.

We passed a law that says we have to have 700 miles of reinforced, double-layer fencing along the southern border of the United States. Of the 700 miles, 370 miles were required to be built by December 31 of last year, and we have not met that requirement.

In fact, there are only 330 miles of the single-layered fencing and only 34 miles of the double-layered fencing that was required by law to be built.

So far they claim 661 miles of fencing are completed, but that includes both vehicle barriers and single-layered fencing.

They continue to speak of virtual fencing, which is basically just detectors if someone is going across. All the evidence is that doesn't work well, if at all.

The point of my amendment is to keep our promise to the American people. Let's move ahead with securing the border. I don't like a fence. I don't like the way a fence looks. But in this world today, where we are threatened in many ways, it is critically important that we are able to determine who comes and goes and what comes and goes on the borders of the United States.

My amendment does two things. It requires that 700 miles of physical pedestrian fencing be completed, and it sets a deadline of December 31, 2010. We can do this if we just make that commitment and fund it in this bill.

A physical fence is effective, compared to the untested hundreds of millions of dollars of virtual fencing they are trying to substitute, even though we passed a law that says we need to secure the borders.

I remind my colleagues we made a promise to the American people. We passed a law. This country is based on the rule of law, and we need to follow it in the Congress. We need to fund this and set a deadline so this promise will be fulfilled.

I encourage all my colleagues to vote for the DeMint amendment this morning. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1371

Mr. SESSIONS. Mr. President, recently the Bureau of Labor Statistics reported that the unemployment rate in June of this year had jumped to 9.5 percent; 467,000 jobs were lost in June alone. This is the highest unemployment rate in 25 years.

The Congress passed, earlier this year, a stimulus bill. The purpose of it was to create jobs and reduce unemployment. We were told if we pass that bill, unemployment would top out at 8.4 percent. Well, it just hit 9.5 percent. A report released by the Heritage Foundation and the Center for Immigration studies has estimated that 15 percent of the construction jobs created by the Senate stimulus bill would go to illegal immigrants—about 300,000 jobs.

The question is, is there anything we can do about it? The answer is yes. We have an E-Verify system where employers voluntarily, all over the country, are using a computer verification system to determine whether the job applicant who appears before them is here legally and entitled to work. The Federal Government uses that same system for every employee it hires, but we did not require that for employers who get government contracts under the stimulus package. Contractors who get money under the stimulus package are not required to use E-Verify.

The system is pretty successful. It is not foolproof, but Secretary Napolitano of Homeland Security recently said:

> The administration strongly supports E-Verify as a cornerstone of worksite enforcement and will work to continually improve the program to ensure it is the best tool available to deter the hiring of persons not authorized to work in the United States.

That was a good statement from Homeland Security. But the reality is that President Bush's Executive order that was to take place in January, which would have required all government contractors to use E-Verify, has been pushed back four times. So that is why I offered this legislation.

It is perfectly appropriate for Congress to pass legislation to require this. I have been advised today, though, of some good news. Secretary Napolitano apparently will issue a statement later today saying that after three or four extensions and putting off the E-Verify mandate for government contractors she will issue that order. So that is good news.

What would my amendment do? No. 1, it would make that not just a Presidential policy subject to delay or implementation or withdrawal whenever they wanted; it would make it a permanent rule that people who have contracts with the government would have to use the E-Verify system. Instead of a 3-year extension of the E-Verify system, as provided for in this bill, it would go on and make it permanent. It is a cornerstone today of a system that will work to a considerable degree to reduce the number of illegal workers who are getting jobs—taking jobs from American workers at this particularly difficult time. I think it is a good step. I am glad the Secretary is moving forward finally on making that a reality.

I hope my colleagues will step forward now and let's make this a permanent system. It is certainly contemplated to be permanent. But for odd reasons, to me, there seems to be a reluctance to make it so. The system is up and running. It can handle millions more than the millions it is already handling today. It is designed for a much larger use. It will make a difference, and it will identify quite a number of people who are here illegally seeking to work. In fact, I think the system should be made to apply to all businesses in America. I believe we can do that and should move in that direction. But the first step, it seems to me, would be to say if we are going to create a stimulus package, if this government is going to give contracts to private contractors who do work for the government, they ought to at least ask them to verify whether the person is legally in the country.

Yes, there are some good things additionally that need to be done, such as a biometric identification system, which Senator SCHUMER referred to last night. I would heartily support that, but I believe this is the initial step that ought to be taken. The system should be made permanent and the requirement that contractors of the government should be a part of our law today.

I urge my colleagues to vote for it. I think it would be consistent with the stated policies of the Obama administration and consistent with what the Senate has been working on for some time. I am baffled that Members would not support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

UNANIMOUS CONSENT REQUEST—S. RES. 175

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. Res. 175; that the Senate proceed to its immediate consideration; further, that an amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; that an amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; finally, that a title amendment, which is at the desk, be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, on behalf of several Senators, I object to the distinguished Senator's request. I respect him, but there is an objection on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. NELSON of Nebraska. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, today, I rise asking my colleagues to table the pending amendment filed by my distinguished colleague from Alabama to the Department of Homeland Security appropriations bill.

His amendment would both make E-Verify permanent and would immediately mandate all Federal contractors and subcontractors to use E-Verify.

First, I have good news for my colleagues and good news for my colleague from Alabama. The Department of Homeland Security has just taken action—they were planning to do it before. It is coincidental but fortuitous that it occurs right now. It addresses a good part of the issue that my colleague from Alabama has raised.

Today, the Department of Homeland Security has issued a statement indicating ''the administration's support for a regulation that will award Federal contracts only to employers who use E-Verify to check employee work authorization.''

As we all know, E-Verify is a voluntary system, not a mandatory system. For Federal contractors, it will be mandatory, which is half and the most operative part of my colleagues' amendment.

The administration's Federal contractor rule extends use of the E-Verify system to covered Federal contractors and subcontractors, including those who receive American Recovery and Reinvestment Act funds. The administration will push ahead with full implementation of the rule, which will apply to Federal solicitation and contract awards starting on September 8, 2009—within a couple months.

Accordingly, I believe Senator SESSIONS' amendment is moot so far as it applies to Federal contractors and doesn't need to be approved by us in order for E-Verify to apply in this context.

He has another part of the amendment, which is to make E-Verify permanent. I remind my colleagues that E-Verify is in effect for the next 3 years. Making it permanent will extend to the outyears, but as chair of the immigration subcommittee, and with the support of Chairman LEAHY, I have been investigating this issue.

I say to my colleagues that I don't think we want to make E-Verify permanent because it is not tough enough or strong enough. There is a gaping loophole in E-Verify. It is the best we have now. We should use it for Federal contractors. I support that. But there is a big loophole.

Let's say an illegal immigrant wants to say they are John Jones from Syracuse, and they know John Jones's Social Security number. They can easily get a fake ID that has John Jones's address on it, and they can submit it into the system, and nothing in E-Verify will stop that illegal immigrant from getting a job. Once they are in the system, they are approved time after time.

What is more, nothing about E-Verify stops a citizen from loaning their identity to friends and family so they can get a job. We need a biometric system, with a picture and a biometric identifier. That is the only way we will stop illegal immigration. E-Verify doesn't do it.

I assure my colleagues on our subcommittee on immigration, under Chairman LEAHY's leadership as chairman of the full committee, we are investigating a biometric system which will once and for all stop future illegal immigration. To make this system permanent, when there is a better system in the offing, is premature.

I urge that the amendment be tabled. The first part has been adopted, and the second part to make it permanent, when we already have it for 3 years, is wrong when we can do better 3 years from now.

Mr. ALEXANDER. Mr. President, I ask unanimous consent if I might have 30 seconds before the vote to make a request?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, first, if I may respond to Senator SCHUMER, it is my understanding that Secretary Napolitano's executive order will be different than the Executive order the Bush administration had, finally, after some delay, approved in that it would say that a government contractor would not have to check the employment history of employees working for them through the E-Verify system—their validity—but only new hires they bring on, which is quite a different thing.

I am aware of a businessman in Alabama who has had highway-type work with good employees for many years—decades. He told me he is not now able to compete and is losing contract after contract because his competitor is using illegal labor. This is not an iddy-biddy matter; it is real. I hope I am incorrect about what I understand the Secretary's decision to be. If I am correct, I don't think the proposal is what it should be, and it will still be insufficient.

Mr. SCHUMER. Mr. President, I ask unanimous consent to respond for 1 minute, with the permission of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, the Senator, my friend from Alabama, and I, in one sense, think alike on this issue—stopping future flow of illegal immigration. But he is right in that the order does not require them to check back with previous employers. That is not how E-verify works. They are not capable of doing it.

Obviously, we might want to set up 1,000, 5,000, 10,000 people and get them to start checking on previous employment, but that is not how E-verify works. It is one of the loopholes in the system. To say the administration is not doing it, that is true, but neither does E-verify require that. It probably should. But if we have a biometric, if we have a picture, it will be a lot better and we will not need it.

The Senator is sort of right and sort of wrong but always good-hearted.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 1198

Mr. ALEXANDER. Mr. President, I thank the Senator from Washington. I am here because the Senator from Nebraska made a request to bring up a resolution of his a little while ago and an objection was made on my behalf. Out of courtesy to him, I want to explain.

The reason is that Senator BENNETT and I, indeed, other Senators, have legislation that would give the government stock in General Motors and Chrysler back to the taxpayers who paid for it on April 15. We prefer that rather than do an expression, a sentiment, which is what the Senator from Nebraska offered.

We are prepared to bring our amendment up and to debate his and to vote on his. There are other Senators here with similar amendments. We simply want to make sure they are all considered at once.

So I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1198, the Auto Stock Every Taxpayer Act, which would give all the government stock in General Motors to the taxpayers who paid for it; that the Senate proceed to its immediate consideration, the bill be read for a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Nebraska. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, if I might have a second to respond, I think this is something the good Senator from Tennessee and I might be able to work out. But until we have the details worked out as to how this would be considered in both cases, I object.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1371

Mr. SCHUMER. Mr. President, I move to table the amendment of the Senator from Alabama and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Iowa (Mr. HARKIN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—44

Akaka	Feinstein	Nelson (FL)
Bayh	Franken	Reed
Begich	Gillibrand	Reid
Bennet	Inouye	Sanders
Bingaman	Johnson	Schumer
Boxer	Kaufman	Shaheen
Brown	Kerry	Specter
Burris	Kohl	Stabenow
Cantwell	Lautenberg	Udall (CO)
Cardin	Leahy	Udall (NM)
Carper	Levin	Warner
Casey	Menendez	Webb
Dodd	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—53

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Baucus	Graham	McConnell
Bennett	Grassley	Murkowski
Bond	Gregg	Nelson (NE)
Brownback	Hagan	Pryor
Bunning	Hatch	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rockefeller
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Klobuchar	Snowe
Conrad	Kyl	Tester
Corker	Landrieu	Thune
Cornyn	Lieberman	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Wicker
Dorgan	Martinez	

NOT VOTING—3

Byrd	Harkin	Kennedy

The motion was rejected.

AMENDMENT NO. 1407 TO AMENDMENT NO. 1371

Mr. LEAHY. Mr. President, I call up amendment No. 1407 as a second-degree amendment to the amendment that has been proposed by Mr. SESSIONS.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, I am not familiar with the amendment.

Mr. LEAHY. Mr. President, I believe I have the right to offer the second degree; do I not?

While we are determining that, let me explain what this does. It would create a permanent EB–5 immigrant investor regional center program. This is a program that has generated billions of dollars of capital investment in American communities. It has created thousands of domestic jobs.

There are 24 of these centers now around the country. I mention to the Senator from Alabama that Alabama has a strong track record with it statewide. The problem we have had in the past is we keep reauthorizing for just a few months at a time, and people in this economy don't want to put a large investment in it because of that. So I would offer this as a second-degree amendment.

Mr. SESSIONS. Mr. President, I have no objection to the second-degree amendment offered by the chairman of the Judiciary Committee.

Mr. LEAHY. I ask for its acceptance.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1407 to amendment No. 1371.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permanently reauthorize the EB–5 Regional Center Program)

On page 3, after line 7, add the following:

SEC. 549. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place it appears; and

(2) in subsection (b), by striking ''for 15 years''.

Mr. LEAHY. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1407) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. SESSIONS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Amendment No. 1371 is pending, as amended.

If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1371), as amended, was agreed to.

AMENDMENT NO. 1399

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote in relation to amendment No. 1399, with the time equally divided between the Senator from Washington, Mrs. MURRAY, and the Senator from South Carolina, Mr. DEMINT.

Who yields time? The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, current law promises the American people that we will secure our southern borders with 700 miles of pedestrian fence. Obviously, we have seen violence increase and drug trafficking and weapons trafficking. We have destabilized the Mexican government because of our inability to carry out that promise. At this point there are only 34 miles of double-layered pedestrian fences as promised in our laws. We are supposed to have 700 miles. My amendment simply enforces current law and sets a deadline that we finish a pedestrian fence as required by law, finish the fence that is required by law by the end of next year. This is a promise we should keep to the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield my time to the Senator from Ohio, Senator VOINOVICH.

Mr. VOINOVICH. Mr. President, we oppose this amendment. The amendment would force the Department of Homeland Security to construct hundreds of additional miles of pedestrian fencing beyond that which is determined as necessary. The Department of Homeland Security has studied and analyzed the tactical infrastructure needs, including pedestrian fencing or vehicle fencing along that border. It has built or is in the process of constructing the miles of pedestrian fencing that are needed or that they believe is necessary.

The fact is, this body, when we changed the law not to be prospective, we did not detail the location and type of fencing. Instead, we left it to the discretion of the Secretary of Homeland Security. Not only is this amendment wrong because it overturns the U.S. Customs and Border Service determination of tactical infrastructure needs along the border, it would be incredibly costly. It would outstrip the funds provided for this purpose by requiring additional fencing. Some miles of fencing have an average cost of $5 billion per mile.

I urge we vote no on this amendment.

The PRESIDING OFFICER. The Senator from South Carolina has 9 seconds remaining.

Mr. DEMINT. Mr. President, what we are doing is not working. This amendment is designed to add some force and funding to current law. I encourage my colleagues to support it.

The PRESIDING OFFICER. All time has expired. If there is no further debate on the amendment, the question is on agreeing to the amendment.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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.

The PRESIDING OFFICER (Mr. KAUFMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—54

Alexander	Enzi	Nelson (NE)
Barrasso	Feinstein	Nelson (FL)
Baucus	Graham	Pryor
Bayh	Grassley	Risch
Bennett	Gregg	Roberts
Bond	Hatch	Rockefeller
Boxer	Hutchison	Schumer
Brownback	Inhofe	Sessions
Bunning	Isakson	Shelby
Burr	Johanns	Snowe
Chambliss	Klobuchar	Specter
Coburn	Kyl	Stabenow
Conrad	Landrieu	Tester
Corker	Lincoln	Thune
Cornyn	McCain	Vitter
Crapo	McCaskill	Webb
DeMint	McConnell	Wicker
Dorgan	Merkley	Wyden

NAYS—44

Akaka	Cochran	Inouye
Begich	Collins	Johnson
Bennet	Dodd	Kaufman
Bingaman	Durbin	Kerry
Brown	Ensign	Kohl
Burris	Feingold	Lautenberg
Cantwell	Franken	Leahy
Cardin	Gillibrand	Levin
Carper	Hagan	Lieberman
Casey	Harkin	Lugar

Martinez	Reed	Udall (NM)
Menendez	Reid	Voinovich
Mikulski	Sanders	Warner
Murkowski	Shaheen	Whitehouse
Murray	Udall (CO)	

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 1399) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote and to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mrs. MURRAY. 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. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1375 TO AMENDMENT NO. 1373

Mr. VITTER. Mr. President, I call up Vitter amendment No. 1375.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1375 to amendment No. 1373.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit amounts made available under this Act from being used to amend the final rule requiring Federal contractors to use the E-Verify system to prevent Federal contractors from hiring illegal aliens and to hold employers accountable if they hire illegal aliens, and for other purposes)

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the amounts made available under this Act may be used to—

(1) amend, rewrite, or change the final rule requiring Federal Contractors to use E-Verify (promulgated on November 14, 2008);

(2) further delay the implementation of the rule described in paragraph (1) beyond September 8, 2009; or

(3) amend, rewrite, change, or delay the implementation of the final rule describing the process for employers to follow after receiving a ''no match'' letter in order to qualify for ''safe harbor'' status (promulgated on August 15, 2007).

AMENDMENT NO. 1375, AS MODIFIED

Mr. VITTER. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To prohibit amounts made available under this Act from being used to amend the final rule to hold employers accountable if they hire illegal aliens, and for other purposes)

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the amounts made available under this Act may be used to implement changes to the final rule describing the process for employers to follow after receiving a ''no match'' letter in order to qualify for ''safe harbor'' status (promulgated on August 15, 2007).

Mr. VITTER. Mr. President, originally my amendment dealt with two E-Verify issues: the no-match rule under Social Security, which I am about to talk about, and also ensuring that the E-Verify system is used for employers who operate under Federal contracts.

Just a few minutes ago, we passed the Sessions amendment which deals with the second of those issues, Federal contracts, so the modification of my amendment simply takes that part of my amendment out and leaves a correction of the remaining issue, the Social Security no-match rule. That is the only thing the modification did.

What is the no-match rule? In August 2007, the Department of Homeland Security introduced this no-match regulation which clarified the responsibility of employers who receive notice that their employees' names and Social Security numbers don't match the records of the Social Security Administration. Under the rule, employers receiving this sort of notice who did not take corrective action would be deemed to have constructive knowledge that they are employing unauthorized or illegal aliens. In other words, this rule provided clear guidance on the appropriate responsibility of the employer, the appropriate due diligence the employer should undertake if they receive a letter from the Social Security Administration informing them there is not a proper match under those records. DHS, GAO, and Social Security audits found that such discrepancies often arise when workers use false documents to illegally obtain employment in the United States.

Going after these no-matches is absolutely imperative to attack the issue of illegal aliens in this country. Employers who receive no-match letters know they have a problem and a responsibility to do something about it. Either their record keeping needs to be improved or they have hired undocumented workers. This no-match rule is reasonable in telling the employers: You have a problem, and you have a responsibility to do something about it in a circumstance where there is a no-match.

This no-match rule has been blocked by litigation filed by organized labor and business groups that have consistently opposed enforcement of many of our Federal immigration laws. But the administration has twice asked the court to delay ruling on the government's motion to throw out the lawsuit, thus voluntarily leaving the rule in legal limbo for more than 5 years.

My amendment, as modified, would simply prevent any more delays on the no-match rule. It would allow the Social Security Administration and DHS to provide employers with notices of the problem in their workforce payroll records. This is not only thoroughly reasonable, but it is absolutely necessary—one of many necessary steps we must take to move forward with regard to the illegal immigration problem and productive enforcement. If there are situations where there isn't a match under Social Security records, we need to do something about it. The employer needs to look into it and do something about it or else our illegal immigration laws are going to continue to be made a farce and continue to be flagrantly violated in many cases. This is a reasonable approach. It puts a reasonable but not undue burden on the employer to do some appropriate due diligence when they get a no-match notice from Social Security.

With that, I urge all of my colleagues to support this amendment. I hope we will have a vote on it, probably later today. I look forward to any continuing debate and urge a ''yes'' vote.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1415 TO AMENDMENT NO. 1373

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the pending amendment so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I call up amendment No. 1415.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1415 to amendment No. 1373.

Mr. GRASSLEY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize employers to voluntarily verify the immigration status of existing employees)

At the appropriate place, insert the following:

SEC. ____. CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by striking ''The person'' and inserting the following:

''(i) UPON HIRING.—The person''; and

(2) by adding at the end the following:

''(ii) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election.''.

Mr. GRASSLEY. Mr. President, the amendment I offer to the Homeland Security appropriations bill deals with the E-Verify Program. This morning, we voted to make the program a permanent part of our immigration laws. This was a vote in favor of the program because it is a very valuable tool for businesses across the country that want to abide by the law.

My amendment makes the program an even better tool for businesses. It says that if an employer chooses to verify the status of all their workers, not just new hires, then they should be allowed to do so. Employers want to abide by the law and hire people who are legally in the country. Right now, E-Verify only allows the employer to check prospective employees, but we should be allowing them access to this free, online database system to check all of their workers.

I hope my colleagues will agree with this approach. I believe it would fit in closely with initiatives by our new President to change the emphasis upon enforcing the laws against employment of people who come here illegally, because the President is emphasizing going after employers who are not abiding by the law. And there are lots of investigations that are going on in that direction.

So we are now giving employers, through my amendment, the opportunity to check all their employees because that is very important. If a person is a businessperson, and there is a prospect that Federal people are going to come into the process and look at all their employment records, I would think an employer would want this tool to be able to use to see that everybody who has been hired—not just people recently hired—is legally able to be here.

I urge my colleagues to agree to this amendment and allow their businesses back home to take steps to be in compliance with their immigration laws.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THINNING ELK HERDS

Mr. DORGAN. Madam President, this morning the New York Times wrote an editorial I wanted to commend my colleagues' attention to and take some issue with. The editorial in the New York Times this morning is called ''Elk Hunting in the Badlands'' referring, of course, to the Badlands of North Dakota where Theodore Roosevelt went out and lived and ranched. The Badlands of North Dakota encompass, in large part, the Theodore Roosevelt National Park, a wonderful park, and the Badlands are about as beautiful as anything you will find in this country.

Theodore Roosevelt National Park has elk. In 1985, a number of elk were released in the Badlands in the southern section. There were, I think, around 50 head of elk that were released in the Badlands, and that has now grown to somewhere close to 900 elk, which is about 600 more than can reasonably be handled in that area. So they need to cull the elk herd. They need to thin out the elk herd because we can't allow it to grow so large that we don't have the carrying capacity on that land.

So as is the case with too many Federal agencies, once they started thinking about how we will cull the elk herd, how we will take care of this problem, they came up with an idea—actually, a number of ideas. Among them was an idea that they would go hire Federal sharpshooters and then cull the herd with Federal sharpshooters, and then have helicopters transport out the carcasses once the sharpshooters had done their job.

It seemed to me to be boneheaded to be thinking in those terms. Much better, it seemed to me, was to develop an approach that was used in the Grand Tetons, where they deputize hunters as volunteers, and each volunteer can take an elk from the park.

Now, we don't allow ''hunting'' in national parks. I understand that, and I am not proposing an open hunt. But in cases where you have to thin a herd, rather than have the Federal Treasury decide that we are going to hire Federal sharpshooters and then gas up the helicopters so you can transport the carcasses of the dead animals, a much better solution that you could find in almost any café in North Dakota, talking to three people over strong coffee, is what about finding qualified hunters, deputizing them, allowing each to take an elk and take the meat home; ergo, you haven't cost the Federal Government money. Under park supervision, you can have deputized, qualified hunters whom you could easily qualify, and you have solved the problem.

This is not rocket science or a big, significant, complicated issue. It is not a serious illness for which we don't know a cure. This is a very simple issue of culling an elk herd. So I proposed that. The Park Service said, well, there is a restriction here and there, so we are going to hold a series of meetings. They held a series of meetings in North Dakota. As is always the case with bureaucracy, they hold a lot of meetings and come up with multiple alternatives, and they study them to death until the alternatives are nothing but carcasses. This is an issue in North Dakota in the Theodore Roosevelt National Park that has gone on for some years. The Park Service had several different alternatives. We were waiting for a long while to see what they were going to announce. And it became clear to me that they weren't going to get to a common-sense decision.

So I included a provision in the Interior Appropriations bill in committee last week that is simple and it does as I have said: simply cull the elk herd by deputizing qualified hunters, under the supervision of the Park Service, who would be able to take the animals—the carcasses—and the meat out of the Badlands. So that is in the Interior Appropriations bill.

The New York Times today takes great issue with that. It says it is not the right proposal at all, it is a terrible idea, that it would legislate a management issue better left to the Secretary of the Interior and the National Park Service. Well, the Secretary of the Interior was in North Dakota with me about 5 weeks ago, and we had a long discussion about this issue. And I know our former colleague Ken Salazar, and I know he would want to come to a conclusion that represents a deep reservoir of common sense as well for the taxpayers.

I understand that we don't want to open hunting seasons in national parks. I propose only in a circumstance where, in this national park, just as we have done in the Grand Teton National Park, which is embedded in law, when you need to thin the herd, don't spend a pile of taxpayers' money, don't gas up helicopters to haul carcasses around. Deputize local qualified hunters and allow that. It is not a hunting season. In this case, you are thinning the herd by using qualified hunters, who could be deputized and operating under the supervision of the Park Service, to remove the meat from the park. It is very simple.

The New York Times is a fine paper, but I doubt that it has a lot of hunters on its staff. I know a bit about hunting, and I know a fair amount about Theodore Roosevelt National Park and the Badlands. I know the people I represent, who looked at this, and most North Dakotans said: Why don't you get real and use a deep reservoir of common sense and solve this problem the right way. Spare taxpayers the expense of spending a lot of money, and do what we have done in the Grand Teton National Parks.

That is the reason that last week I included the provision in the Interior Appropriations bill. I wanted to describe it to my colleagues. On behalf of the American taxpayer, let's do what is right and use some common sense. This is not that complicated.

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. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1402

Mr. LAUTENBERG. Madam President, I rise today because there is a reckless amendment on the floor of the Senate to strip this country of an important infrastructure element to protect us against terrorism. This amendment is intended to strip the State of New Jersey of critical antiterrorism programs.

In poll after poll, the people across our country are still deeply concerned about what might happen in the event of a terrorist attack. Everyone knows we have people fighting against terror in other countries, but we also have a huge assignment here. Just today, we saw that an attempt to smuggle bomb parts into some government buildings was successful. My God, what do we have to do to say to people in this place: Our primary function is to protect our citizens, and New Jersey is one of the 50 States in this country; that if it is a dangerous event that occurs, whether it is a natural disaster or whether it is a terrorist attack, we have an obligation to see that these States have the tools to protect themselves.

Eliminating funding for these programs will make families in New Jersey more vulnerable to terrorist attacks and natural disasters. I point out that this area we are particularly focused on—9/11, the largest catastrophe that happened on American soil—is one area, which I will describe in just a minute, that is one of the most densely populated in the country, and the risks are very high.

Eliminating funds for these programs makes families in New Jersey more vulnerable, and we are concerned about it. Without these investments, when a terrorist strikes or a hurricane hits, there is a good chance that emergency generators might not go on, firetrucks will not arrive on time, and medical crews might not know where to go.

Let's be absolutely clear. New Jersey is no stranger to terrorism. We lost 700 New Jersey residents on 9/11, and dozens more still retain illnesses that developed as a result of their attempt to protect the citizens who survived.

New Jersey is home to what has been labeled by the FBI as the most dangerous 2-mile stretch in America for terrorism—that 2-mile distance between the Port of Newark and Newark Airport. And New Jersey is the most densely populated State in the Nation. In the area around this 2-mile stretch terrorists could injure or kill almost 12 million people.

Because of the real possibility of an attack, cities and counties throughout New Jersey have created local emergency operations centers. What else could we ask for? What have the States where there are droughts or hurricanes or earthquakes or volcanic eruptions in this country had the right to ask for? They have a right to ask for help. But why only provide the help after something has happened if we can prevent things from taking place?

Because of the real possibility of an attack, we have these local emergency operations centers in New Jersey. These centers coordinate information during an attack and manage the immediate response to cataclysmic emergencies. Both the 9/11 Commission report and the Department of Homeland Security have identified these centers as imperative to people's safety and security when a community crisis occurs. In fact, according to the 9/11 Commission's senior counsel, if there had been a functional emergency operations center after the terrorist attack on the World Trade Center, lives would have been saved that day.

Here is what will happen if the amendment being offered by Senators MCCAIN and FEINGOLD is passed: The emergency operations center in Union County, in my State, will not have an interoperable communications network that connects fire, police, and medical officers. The emergency operations center in South Orange—one of our cities—will not have a working emergency generator.

We can't afford to be without this infrastructure of emergency equipment as well as services. And the emergency operations center in Hackensack will not be able to properly train police officers and firefighters. Make no mistake, emergency operations centers save lives. That is preventive. That is its purpose.

The amendment being offered by Senators MCCAIN and FEINGOLD defies common sense. By jeopardizing emergency operations centers in my State and other States across the country, this amendment would make us less secure, and I hope my colleagues will say: No, we can't permit that. We can't permit it in New Jersey and we can't permit it in other places in the country.

We have to, as the Boy Scouts say, be prepared. It is the simplest lesson we could learn. Prevention is far better than cure.

I thank the Chair for the opportunity to speak, 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. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I rise to oppose the amendment that is currently before us, which would eliminate funding for the emergency operations center projects throughout the country, including one in Providence, RI.

First, this issue hinges on several critical factors. One is, ultimately, public safety. We have experienced, over the last several years, a terrorist threat that could impair all kinds of communities around this country. In fact, on the Fourth of July, several aircraft in Istanbul were stopped and searched because there was intelligence developed by both the German Government and the United States indicating that there might be a threat to a commercial aircraft, as we witnessed on 9/11. The bottom line is, these emergency operations centers are critical.

There is another aspect, of course, too, and that is that we are in a terrible situation economically. In Rhode Island, we are just a tad behind Michigan in terms of unemployment, with 12.1 percent of our workforce out of work—nearly 3 points higher than the national average—and this funding not only will meet a critical need for public safety but also help a little bit in terms of getting our economy moving forward.

It will allow the city of Providence and the Providence Emergency Management Agency to move closer to completing needed improvements to its emergency operations center. This project will increase the space at the Providence EOC to ensure a ready 24-hour presence and accommodate a second complement of staff that will be required onsite, should an emergency incident occur. In undertaking this work, at least 20 construction jobs will be produced. In Rhode Island, that is a good project.

In 2004, the city of Providence designated a site within the city to serve as the headquarters for the Providence EMA and has worked since then to make improvements to the facility so it can serve the city during a disaster or attack. The Providence EMA completed the first phase of the work on the facility this year but must expand its existing building in order to make shortfalls that were identified in a 2007 Federal Emergency Management Agency Technical Assistance Team review. These shortfalls, as pointed out by the Federal Government, included inadequate space within the existing facility for administrative and emergency operations and a lack of adequate force protection, physical security, and survivability measures. According to Providence EMA, up to $3 million will be needed to complete this work. Again, this was the result of a study by the Federal authorities as to the adequacy of this facility. While FEMA has committed resources to this project, Providence EMA does not have the funding to carry out all the improvements that are required.

But beyond serving the needs of Providence, it plays a leading role in our overall State operations. The Greater Providence Metropolitan Medical Response System and the Providence Urban Area Security Initiative

regions include Providence and eight surrounding communities, representing 60 percent of the State's population. Let me say that again. This EOC, although it is placed in Providence, plays a critical role in coordinating the emergency response for 60 percent of the people of Rhode Island. This is an important facility not just for one community but for a significant number of areas. So this will be a facility that is not only necessary but extremely efficient and integral to the protection of a significant number of my constituents.

While I understand the administration believes that funding should be allocated through a risk management framework, I support the committee's decision to fund these projects. For my State, we know the facility is needed. We know the improvements are needed. The Federal authorities have pointed that out to us. It will not only protect a small portion of one city, but it will effectively protect a larger portion in terms of population to my State.

Madam President, I ask unanimous consent that letters from the Mayor of Providence and the Rhode Island Emergency Management Agency regarding the project be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF PROVIDENCE,
Providence, RI, July 7, 2009.

Subject: Providence Emergency Operations Center (EOC) Phase II Funding Request.

Hon. JACK REED,
U.S. Federal Courthouse,
Providence, RI.

DEAR SENATOR REED, I write to express my strong support for federal funding necessary to upgrade the functionality of the City of Providence's Emergency Operations Center (EOC) and to ask for your assistance in securing this funding.

Following a 2007 on-site Federal Emergency Management Agency (FEMA) Technical Assistance Team's review of the EOC, two major shortfalls were identified: (1) inadequate space within the existing facility for administrative and emergency operations and (2) the lack of adequate force protection, physical security, and survivability measures. Federal funding for the facility expansion will allow the City to attain a resilient, modern, efficient and effective regional EOC, capable of coordinating *regional emergency response*, redundant interoperable communications and rapid public warning.

The Providence Emergency Management Agency is responsible for managing major emergencies in the City along with the added responsibility for the Greater Providence Metropolitan Medical Response System (GP–MMRS) and Providence Urban Area Security Initiative (PUASI) regions. With limited EOC interoperability in the eight surrounding communities associated with MMRS and UASI programs, the improved Providence EOC facility will be fully ready and equipped to handle incidents which bisect traditional political boundaries and provide needed incident support and coordination to neighboring communities within the region, thereby providing benefit to an estimated 60% of the State's total population.

On 8 April 2009, after competing nationally in the DHS FY09 Emergency Operations Centers Grant Program, Providence was one of the few cities that met and exceeded the strict federal criteria and was awarded the maximum amount of $1,000,000. We are requesting additional funding to fully complete the project.

This funding is crucial for improving emergency preparedness, response and recovery by ensuring the City has the most advanced facility and capabilities able to provide time critical flexibility, sustainability, security, survivability and interoperability should a catastrophe occur within or adjacent to our City.

I respectfully request your assistance in securing the additional funds necessary for this project. Should you have any questions, please feel free to contact me at (401) 421–7740.

Sincerely,

DAVID N. CICILLINE,
Mayor.

MILITARY STAFF,
EMERGENCY MANAGEMENT AGENCY,
Cranston, RI, July 7, 2009.

Subject: Providence Emergency Operations Center (EOC) Phase II Funding Request.

Hon. JACK REED,
U.S. Federal Courthouse,
Providence, RI.

DEAR SENATOR REED: I am writing in support of Mayor David N. Cicilline's request for federal funding necessary to upgrade the functionality of the City of Providence's Emergency Operations Center (EOC).

Two major shortfalls exist for all the Operations Centers in the State of Rhode Island: (1) inadequate space for administrative and emergency operations and (2) the lack of adequate force protection, physical security, and survivability measures. Federal funding for these shortfalls in Rhode Island are essential to ensuring efficient and effective capability for coordinating regional emergency response, redundant interoperable communications and rapid public warning by the state of Rhode Island Emergency Management Agency.

Local and Regional EOCs, like the one operated by the Providence Emergency Management Agency, provide a critical link to the Rhode Island Emergency Management Agency (RIEMA) and its EOC enhancing RIEMA's ability as the lead coordinating agency for the State.

The State of Rhode Island has recognized the need for regional capabilities and this funding proposal meets that standard. While the City of Providence has received the maximum amount of $1,000,000 from the DHS FY09 Emergency Operations Centers Grant Program and continues to receive Port Security and Urban Area Security Initiative (UASI) grant funding; the Rhode Island Emergency Management Agency (RIEMA) fully supports the Providence application.

This funding will improve emergency preparedness, response and recovery in Providence. Enhancing the EOC in Providence will ensure that Rhode Island continues to have the most advanced facilities and capabilities able to provide time critical flexibility, sustainability, security, survivability and interoperability should a catastrophe occur within the city.

Respectfully,

J. DAVID SMITH,
Executive Director.

Mr. REED. Madam President, I urge a ''no'' vote on this amendment.

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. PRYOR. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I rise today to speak about the fiscal year 2010 Homeland Security Appropriations bill and a program within it which is very important to my home State and also to many other States here in this great Nation. First, I thank the chairman and the ranking member, and their staffs—the staffs, as we know, do so much great work around here—for their leadership and foresight in crafting such an important piece of legislation. I thank the chairman for taking my thoughts and considerations into mind when they drafted this legislation, as well as the thoughts and considerations of many of my colleagues. This has truly been a bipartisan effort and shows the Senate can get good results when we work together.

The funding in this bill covers a wide range of activities from protecting our Nation from terrorist events to strengthening our local preparedness and response activities. Today I rise in response to opposition to the Feingold-McCain amendment to strike funding for emergency operations centers. The most fundamental responsibility of government is protecting the lives and safety of the public. Arkansas finds itself as No. 10 on a list of the 59 States and territories and districts with the most presidentially declared major disasters. It is not a welcome ranking, but it is a measurement of the risks Arkansans face.

Since 9/11, State and local governments have faced increased emergency preparedness responsibilities and costs for public safety. Now, in the midst of continued all-hazard risks, State and local governments are cutting spending on many critical programs, but emergencies and disasters will not wait for our economy to improve. Reports following Hurricane Katrina's response found multiple flaws in situational awareness, command and control, logistical tracking, and communications. Fully capable emergency operational centers at the State and local level are essential to a comprehensive national emergency management system.

EOCs require basic resources to operate smoothly and effectively in a time of crisis. Some of the resources funded through EOCs include a hardened and safe location for emergency management staff, communications for reliable and accurate information gathering, and effective, usable technology for tracking all resources, including personnel and emergency supplies.

For example, the city of North Little Rock, AR's Office of Emergency Services will be a recipient of these funds. This office is one of the emergency operations centers tasked with providing disaster assistance and support to a population of over 500,000 people in the central Arkansas area—not just North Little Rock but the entire area. Although the office's current personnel work very hard and are very diligent

about providing meaningful services to the area, the age and size of its location limit its ability to house the needed technologies and staff to adequately serve central Arkansas in the event of emergency.

Again, we have lots of emergencies there, as we will talk about. These funds will be used to address these limitations and provide the needed safety assurances.

Recently it has become popular to attack so-called earmarks. I agree that congressionally directed spending needs to be transparent. I think the Senate has already taken care of that. Its Members should be accountable for the programs they support. I think the Senate has taken care of that as well.

I am proud to support funding for emergency operations centers. I also believe the Representatives of the States and the congressional districts have an in-depth understanding of the needs and priorities in their States, rather than employees serving in Federal executive departments and agencies.

There is now great accountability in the congressionally directed spending in appropriations bills. The public can easily review congressionally directed spending requests and funding on Web sites fully accessible to the public. In fact, the Constitution gives this authority to the Congress.

The Constitution, article I, section 9, says:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

That is what we are doing here today and that is what the appropriations process is about, this constitutionally required system we have, where Congress controls the purse strings.

For all these reasons, I voice my strong support for the funding in the underlying bill that supports emergency operations centers. I ask my colleagues, very respectfully, even though it is well intended, to oppose the Feingold-McCain amendment.

I yield the floor.

Mr. FEINGOLD. Madam President, we are going to vote, I understand, shortly. It is an important discussion. I am glad we had a little exchange about it.

I first want to respond about what the Senator from New Jersey, Mr. LAUTENBERG, had to say about this. He expressed concern that because of my amendment there would be no funding for emergency operations centers if this amendment passes. That is absolutely incorrect. It is the opposite.

To the contrary, there will be $20 million for emergency operations centers that will be awarded competitively to those most in need. Senator LAUTENBERG cited the 9/11 Commission endorsement for these centers. Yes, they did. What he failed to note is that those at the Commission recommended that the Homeland Security grants be awarded on the basis of risk, not earmarks such as the one requested by Senator LAUTENBERG.

Of course, there may well be a need in New Jersey, and I respect that. I am not saying that program would not qualify under a merit-based analysis. But it is not based on actual risk analysis and that is the problem. If there are worthy projects the Senator has requested, then I hope he would be confident that these communities in New Jersey will be able to compete successfully for the grants.

I am sure it was not intentional but it is misleading to make the Senate believe that these centers are being taken away by my amendment. It is the opposite. In fact, if you look at the way this currently operates, if we do not change this, currently the Senate bill directs that half of all these emergency operations center funds will go to only 10 States. The House earmarks all of these funds, and a fourth of the predisaster mitigation funds. Last year, FEMA only funded a tiny fraction of the emergency operations center applications it received because 64 percent of the funding went to earmarks.

On this program the Senator from New Jersey and the Senator from Arkansas were talking about, 10 States get 50 percent of it and 40 States have to share the other 50 percent. What are the odds that that comports with any kind of rational analysis of real risk? Very small. I guarantee, because they are earmarks, that analysis was not done. It is not possible, because they were not put in the context of the comparative risk that is involved.

To respond to some of the remarks of my good friend from Arkansas, I understand the Senate has not earmarked any of the predisaster mitigation funds. However, if my amendment is not agreed to, FEMA will have to deal with the earmarks in the House report. I do not question that some of these earmarked requests may be legitimate. But if they are legitimate, then they should have no trouble in a fair competition for the funds based on merit and risk.

I think this is the key, even for those who support earmarks in another context. The problem here is that these are highly technical projects. We are talking about communications equipment, flood prevention projects that require engineering studies and the like. We do not have the expertise in Congress to make an objective determination of which projects are the most worthwhile. So who gets the funding? Those who are somehow able to get an earmark without any real analysis, without any real consideration of the merit as to who is at the greatest risk, where in the country we need to think about these disasters more than others.

That is no way to think about potential earmarks. Earmarks are sent to small communities to set up operations centers that do not need them while State centers remain unfunded. During recent flooding in Wisconsin——

Mr. MCCAIN. Will the Senator yield for a question?

Mr. FEINGOLD. I am happy to.

Mr. MCCAIN. It is my understanding that the Senate bill the Senator has described directs half of the emergency operations funds to only 10 States, and there are 50 States in America. But half of these emergency operations center funds—it doesn't make much geographic sense, if you look. Funds are directed at Illinois, Iowa, New Jersey, New York, Montana, Washington, Rhode Island—East and West, all over the country. Maybe my friend from Wisconsin can describe what do they have in common, 9 of these 10 States have in common?

Mr. FEINGOLD. Madam President, I can tell you one thing they don't have in common is any analysis of the need or requirement they be done in their communities. What they have in common is somebody stuck an earmark in this bill.

It would be different, I say to my friend from Arizona, if these 10 States had shown on the merits they have the risk in their communities and they need to get ahead of these disaster situations. That would be great. In that case I could support that only 10 States get half the money. But when there is absolutely no analysis and where this actually undercuts the very integrity of the programs they are trying to protect, the lives of the American people, and leaves the other States to fend for themselves with regard to 40 States fighting for the other 50 percent—this is a terrible way to protect the American people from disaster.

As an answer to the Senator, I would say there is only one explanation. You and I know what it is. Somebody got an earmark and that is all.

Mr. MCCAIN. There is an additional question I have to my friend from Wisconsin. Isn't it true that the administration has requested that this entire program be canceled?

Mr. FEINGOLD. The entire program?

Mr. MCCAIN. Yes.

Mr. FEINGOLD. They want the program merit based. They want the program to be based on actual need for these emergency operating sectors.

Mr. MCCAIN. Isn't it true that the Office of Management and Budget recommended this as one of the programs to be eliminated, as the President announced?

Mr. FEINGOLD. They want it eliminated, Madam President, because of this practice my friend and I are discussing. Because of the use of earmarks, which undercuts the integrity of the program, they want to say this is not worth continuing. By this amendment we will have the effect of restoring its legitimacy.

Mr. MCCAIN. In other words, the administration believes we need emergency operations center funds because of the requirements of homeland security. But this process is so badly flawed that they want to go back to do away with this and go back to the merit and needs-based system, is that correct?

Mr. FEINGOLD. That is absolutely right, Madam President, I say to the

Senator from Arizona. The President of the United States has pressed to ensure these funds are awarded competitively and on the basis of risk. That failing, which is what will happen if we do not agree to this amendment, the recommendation is to not go forward.

I accept the premise that so many Members have identified here, that this is a worthwhile program, as long as it is based on merit and need. So the Senator from Arizona is correct in that. The President of the United States is clear on that. We have a chance here to fix this program, get away from the earmarks, and make sure it can continue; otherwise, there will be continuing efforts to say this is not what was intended.

Obviously, it was not what was intended. Yes, it is one thing to get an earmark for a museum somewhere in your State and that does take away from the general funds—and the Senator from Arizona and I have strong feelings about that—but it is another thing to use this in a situation where a program has specifically been set up to figure out where in the United States is the most important that people have money to be able to do what they need to do to protect the lives of the people in their communities because of a particular vulnerability to disaster.

Mr. McCAIN. Will the Senator respond to one more question? So the Senator is not saying we do not need emergency operations centers in America? We would not be eliminating the need for emergency operations centers, let me be perfectly clear. But what he is saying is we need to eliminate them in this form, which does not give the highest and most needed priority to these emergency operations centers around the country?

In other words, we still have a threat to our Nation's security, but this is not the way to meet it. We can come up with a far better and more efficient way.

Mr. FEINGOLD. We do need a program for emergency operations centers. What we do not need is another earmark trough for people to feed at. If the program becomes just that, which I fear it is becoming, then it does not stand on its own merit. This is truly an opportunity to protect it.

I thank the Senator from Arizona for his questions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. McCASKILL. I listened with interest to the questions and the conversations concerning Senator FEINGOLD's amendment. I rise to strongly support this amendment. You know, one of the fantasies around here—and I yield to the long experience of my two colleagues on fighting this battle on earmarks—is this fantasy that the money for earmarks is created out of nothing; that somehow the money for earmarks just lands on everyone's desk and no programs are hurt by the earmarking process; that no money is taken from worthy projects for earmarking.

Truth be known, I can give example after example in the budget that over the years good competitive programs have been cut while earmarking has skyrocketed. The Byrne grants are a good example. Byrne grants are a competitive process in every State where they can compete for law enforcement based on need, decided at the local basis.

What has happened to the funding for Byrne grants over the years? It has dwindled, while in that very same budget earmarks have steadily and continually grown over the last decade.

This is a perfect example of robbing Peter to pay Paul. This amendment will say: You must compete for these dollars based on need. Is that not how we should be spending the public money? Last year FEMA received a total of 675 individual emergency operations center project applications; 675 applications they received for this funding last year.

They were only able to select 22 of them for funding. You know why? Because 64 percent of the funding went to earmarks. So because of the earmarking, there was less money for worthy projects that, maybe on merit and need, were much more important to protect people than the earmarking process.

This is a textbook example of taking a pot of money and deciding through some waving of a magic wand that it goes individually to 10 States without any discussion as to whether those are the 10 most needy projects or 10 most needy States—no discussion whatsoever.

In my State there have been years where we have been under a constant emergency declaration: flooding, ice storms, tornados. We have floodplains. In fact, the National Association of Floodplain Managers supports Senator FEINGOLD's amendment. Do you know why they support Senator FEINGOLD's amendment? They say it is causing floodplain managers around the country to quit planning to mitigate because they can short-circuit the process and just go for an earmark.

Why do the work and plan and compete as 1 of 22 out of 675 if you know the easiest way and the best way to do it is to hope and pray your Member is on the right committee? Just say it like it is. Just hope and pray your Member is on the right committee.

So this is a great opportunity for everyone who believes we need to be careful with the way we spend our money to be counted. This is a great opportunity because this is very clear this money is being taken from projects and being earmarked for projects. As a result, 40 States are going to have less than a 50-percent chance to participate in this kind of emergency funding.

I strongly support Senator FEINGOLD's amendment. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I would like to thank the Senator from Missouri not only for her comments about this particular issue but her dedication to reform, transparency, and to making sure the American taxpayers' dollars are wisely and appropriately spent. It has been a pleasure working with her on various reform issues. I would argue this may not be the last time the three of us are on the floor of the Senate.

When you look at the approval ratings of Congress, not just now but for a long time, we are not held in the highest of esteem, and sometimes for good reason. Sometimes for good reason. We have ongoing scandals concerning the use of public funds for earmarking and porkbarrel projects and rewards to Members of Congress that have caused them to be in Federal court and, indeed, even Members of Congress residing in Federal prison.

This is an important amendment because as the votes line up I think we will see—on both sides of the aisle—we will see members of the Appropriations Committee probably voting on the theory that if they lose one they will lose a number of other efforts to eliminate earmarks and porkbarrel spending.

I hope that would not be the case because this is particularly egregious, particularly egregious. This legislation which Senator FEINGOLD's amendment is intended to cure is about homeland security, and to direct half of the emergency operations center funds to only 10 States obviously is a gross misuse of the taxpayers' dollars and could—and could—conceivably cause us not to fund emergency operations centers that are more badly needed and could then put our homeland security perhaps in some jeopardy, or certainly not ensuring our homeland security to the best and wisest expenditure of tax dollars.

Could I just remind my colleagues, last year's appropriators provided $35 million for the Emergency Operations Center Grant Program but earmarked $12.5 million of them. The Department of Homeland Security received 613 applications asking for $264 million for the purposes of the grant program to construct emergency operations centers.

There is clearly a need for this money in the States. It is unfortunate that many of the applicants were turned down by the Department because there was no money left because we had already spent half of it on earmarked projects which had no competition.

Again, I want to emphasize to my colleagues, this is not a matter of whether we need emergency operations centers. It is simply a matter of whether we are going to wisely and appropriately use the taxpayers' dollars where it is most needed. There has been no screening, no authorization, no hearing held on this issue, and it was put in, obviously, in an appropriations bill in an inappropriate fashion.

So I urge my colleagues to support the amendment by the Senator from Wisconsin. I congratulate him on proposing this amendment.

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.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today in defense of the $1 million that was allocated in this bill for an emergency operations center in Mount Vernon, NY. Mount Vernon is the eleventh most densely populated city in the United States of America, the eighth largest city in the State of New York, and is located on the immediate border of the largest city in this country, New York City.

Mount Vernon has three Metro-North train stations, which could provide a vital route for citizens exiting New York City in the event of an emergency. Thus, Mount Vernon is a first line of defense and a ''safe haven'' for millions who live and work in New York City.

In order to facilitate a proper and effective response to any emergency incident, Mount Vernon needs an emergency operations center. If, God forbid, another September 11 type incident occurs in New York City, which, as on September 11, compromised the communications system and emergency services in the city, it is imperative that we have a local emergency operations center nearby.

New York City is one of the largest terrorist targets in the country, and it does not make sense to be cutting emergency operations where we could be the most vulnerable. The threat of terrorism has not diminished, and our preparations should not either.

At present, the city of Mount Vernon does not have an emergency operations center for the managing and mitigation of a major incident. At best, the Mount Vernon Police Department's Field Command Center vehicle could coordinate an incident. However, this would greatly hamper police operations and the ability to manage a multiagency incident.

Utilizing an existing city facility would reduce costs associated with the project. This is an example of good government: repurposing an existing building to fulfill a new need and building important infrastructure to protect our citizens in an emergency.

However, if the Federal Government does not fund this emergency center, the local community will have to raise property taxes in order to make the upgrades necessary. Westchester County has some of the highest taxes in the country and should not be forced to pay more in order to provide a resource that benefits the entire region.

Terrorism is not a local problem, it is a national problem. So it is only right that the National Government makes the kinds of investments that can keep our communities safe.

I oppose this amendment. I encourage my colleagues to do the same.

In response to the arguments that were made on the Senate floor, in all due respect I think the judgment of a Senator knowing what is best for their State can usually overcome the judgment of any agency that makes that decision in a grant-making process because they know what are the most important investment needs for their communities, and our voices should be heard. That is why in this instance, it is very important that an earmark of this nature that is directed to protect us from terrorism and create a safe haven for citizens in the judgment and discretion of the Senator from New York is very much needed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the problem with this is the earmarks. It is not that New York may not need this. It is that you have taken 50 percent of the money for 10 States. The other 40 States will have to divide the remaining portion of this money for those types of emergency centers and the calculation of risk. It ought to be true competition based on real risk. There is no question New York has greater risk than Oklahoma; that I do not deny. But the fact is, we have taken half the money away from 40 other States and said: You have to compete on the remaining portion, and you may have requirements greater than those earmarked in the bill.

I support this amendment. I wholeheartedly ask my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. In response to my colleague, with regard to this particular earmark, New York has only received one earmark for $1 million. In relation to the amount of risk and the necessity for an emergency response center, the need is great. Our judgment, as Senators from New York, as to what is the best investment for all of New York in terms of an emergency response investment is helpful to this process. It should not necessarily be left only to a grant process. Much of the money is still available to a grant-making process which is a great process because it does have competition and we hopefully get the greatest good for the greatest need. There is a balance where the judgment of a Senator or a Congress Member is very important in that conversation. The agencies and the administration can make their own judgments. That is why a combination of targeted earmarks on the one hand and other investments through a grant process on the other hand is probably a better balance and approach, because we are getting the judgment of all parts of the three branches of government—at least two of them.

The ACTING PRESIDENT pro temproe. The Senator from Montana.

Mr. TESTER. Mr. President, I rise to speak in opposition to the Feingold-McCain amendment. I do not believe this amendment serves the country well as far as it applies to the reality of public safety in rural America and the northern border.

It is important to start by noting that this is about people, about public safety, about homeland security, about firefighters and other first responders in our frontier communities and across rural America. Specifically, it is about protecting folks in and around the greater Flathead Valley region of northwest Montana.

The city of Whitefish is 60 miles from the northern border, nearby to areas where smuggling and illegal crossings are known to occur. In places such as Whitefish, local law enforcement often ends up assisting Border Patrol in response to suspicious activity at or near the border. Local law enforcement also helps out with security around and awareness about wildfires during Montana's fire season. Many of the fires up in northwestern Montana occur on Federal lands. When the Feds need assistance, whether it is the Border Patrol or the Forest Service or ICE, they depend on resources of local communities such as the community of Whitefish. In Whitefish and similar communities, local law enforcement works closely not only with those Federal agencies, but interagency cooperation is a fact of life in northwest Montana. That costs local governments money which too often they do not have with an unfunded mandate.

Special interest groups located right here in Washington on Connecticut Avenue have called the Whitefish Emergency Operations Center a pork project. Unfortunately, I question whether they know where Montana is, much less northwest Montana or the city of Whitefish or the conditions that evolve around this project. I do, as a Senator from Montana. Unfortunately, they use a figure that is off by more than one-third. I suggest this is further evidence that the folks in Washington, DC, simply do not understand the State of Montana as well as its congressional delegation.

I wish to be clear about what this amendment does and does not do. This amendment would not save the Federal Government a single penny. It would simply give the money back to FEMA to spend as bureaucrats, as unelected officials here in Washington see fit.

Before 2007, there is no doubt that the Senate appropriations process was abused. Some lawmakers buried their special pet projects deep in large bills where they had little or no chance to be reviewed by Congress or withstand public scrutiny. That is how the taxpayers ended up footing a bill for the

infamous bridge to nowhere. The very first bill I voted for, back in 2007, as a Senator was legislation to clean up the system and restore transparency and accountability to the appropriations process. Now every project secured by a Member of Congress has his or her name attached to it—no more secret requests made in the dark of night.

I am glad my name is next to the Whitefish Emergency Operations Center project. All Senators are now required to post requests we make on behalf of constituents on our Web sites. Everyone can do it. I invite folks to go to my Web site, tester.senate.gov/appropriations.cfm, or they may want to see the distinguished Republican leader's request at mcconnell.senate.gov/approps.cfm.

The point is not that the Republican leader has asked for specific projects. The Democratic leader has also. The point is that no Senator is above the transparency requirements instituted in the last couple of years. That is a good thing. It is also a good thing that we can have this debate here today.

Why is this particular project needed, a project in Whitefish, MT? Over the last 10 years, the population of Whitefish has doubled. The fire department is transitioning from a volunteer department to a full-time professional department, as the call volume has increased, as has the population, over the last 7 years. The police department has seen call volume increase by over 200 percent in that same time. The current building is not big enough to house the growing needs of the city's first responders. The current building is in a 100-year flood plain and an earthquake zone. Why does that matter? It matters because Montana's Disaster and Emergency Services office has done a number of scenarios of massive disasters in Montana. Most of them revolve around a catastrophic earthquake that disables emergency operations in multiple cities. That is one of the most likely disaster scenarios in our State and this region of our State.

I will fight to make people around this body understand that not every disaster in this country happens in a major population center. Folks in rural America deserve to have effective and efficient emergency response also.

The new Emergency Operations Center in Whitefish will solve several deficiencies identified by a 2006 facility needs assessment. Interestingly enough, Whitefish used the Department of Homeland Security criteria for this study. The center will provide interoperability and improved efficiency for ICE, Border Patrol, FBI, Secret Service, DEA, Montana Highway Patrol, and several other regional law enforcement agencies.

The EOC Grant Program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable emergency operations centers with a focus on addressing identified deficiencies and needs. That is exactly what this project does.

I oppose this amendment for many of the same reasons as the senior Senator from Montana. As elected officials from our States, it is our obligation to know what the needs are out there much better, I believe, than an appointed bureaucrat.

Mr. WHITEHOUSE. Mr. President, I speak today about the importance of retaining funding for the Providence Emergency Operations Center in the fiscal year 2010 Department of Homeland Security Appropriations Act.

The Providence Emergency Operations Center coordinates emergency response for 60 percent of the population of Rhode Island. I visited this state-of-the-art facility earlier this year and was very impressed by the caliber of its technology, its seamless integration of many different local law enforcement and emergency response agencies, and those who stand at the ready to protect the people of our state against disaster, terrorism, and other threats.

This funding will help make necessary improvements to the facility, including expanding space and improving security and survivability, addressing shortfalls identified in a 2007 review by the Federal Emergency Management Agency. These funds are also expected to create approximately 20 new construction jobs, which are urgently needed in my State, where the unemployment rate has reached a staggering 12.1 percent.

I urge my colleagues to oppose the Feingold amendment so that we do not deprive Rhode Islanders of the resources needed to meet federal requirements for effective emergency response efforts.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that there be 10 minutes of debate prior to a vote in relation to the Feingold amendment No. 1402, that no amendment be in order to the amendment prior to a vote in relation thereto, with the time equally divided and controlled between Senators MURRAY and FEINGOLD or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Let's be clear. We just heard two good examples by the Senators from New York and Montana. These are not separate programs they have fought for. They are not even separate earmarks. These are earmarks carved out of a program for emergency operations centers that were supposed to be based on the merits, a comparative analysis that can be highly technical of where it is most needed and where it is less needed, so there is some kind of opportunity for all of us to compete openly for these dollars for our States to make sure the American people are protected to the maximum extent.

We have the Senator from New York talking about Mount Vernon being near New York City, where, of course, the 9/11 attacks were. That is understandable. But if it is that strong of a case, why can't it be made on the merits? Then we have a completely different kind of place—Montana. I will not say for a minute that the Senator from Montana doesn't have a case. He talks about the greater Flathead Valley. Yes, he would know more about that place than anybody else in the Senate, but does that mean his case for that particular location is so overwhelming that it should not be reviewed in comparison to those of us who have similar concerns?

A majority of my State was covered with flooding waters last June. We did not have an adequate emergency operations center. We would like to be able to compete for these dollars in an open and fair manner through a program that has been designated for that purpose on the merits, not because somebody happened to sit on a particular committee or was able to get an earmark. Whether it is a threat to human lives in New York or Montana, if these Senators are confident they can make the case, they should make the case on the merits.

I say to the Senator from New York, whom I am thrilled to have in this body, Senators should be able to exercise their judgment. The Senators of this body exercised their judgment to help create the Emergency Operations Center Program. That program, which Senators help create, is supposed to be based on merit. That was the judgment of the Senators, not that some individual Senator would say: Hey, I heard from somebody in my area that this is important, and that should override the will of the Senate and the government that this be done in this way.

I remind everybody, the President has suggested that this program should not even continue unless we can get to merit-based consideration because that is the whole idea behind it. When the lives of American people are threatened by disasters and terrorist threats, our decisions should have something to do with the comparative needs and risks to the American people, not whether somebody is able to get an earmark.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in opposition to the amendment to eliminate congressionally directed allocations of emergency operations center construction funding. The committee bill before the Senate today contains emergency operations center funding of about $20 million. This emergency operations center construction program is an authorized activity under the Stafford Act. The 9/11 Act which was approved by the Senate on a vote of 85 to 8 in July of 2007 reaffirmed this program by approving an amendment to the Stafford Act to adjust the Federal cost share for these projects from 50 percent to 75 percent.

Emergency operations centers are critical to the effective coordination of emergency response, which we all know is necessary to save lives. The State of Texas, for example, has used these Federal funds to improve communications equipment and warning systems for its emergency operations center. The Texas EOC was used effectively in Presidentially declared disasters such as Hurricanes Katrina, Rita, Dean, and others; major flooding in El Paso and Wichita Falls; wildfires in 2006, 2008, and 2009; a tornado in Eagle Pass; and, of course, the recent H1N1 influenza outbreak. The EOC in each one of those cases was the critical node for communication between the layers of government.

The OMB assertion that the EOC program duplicates other programs is really without merit. While EOC construction is an allowable activity under several grant programs, State and local governments have not chosen to use that discretion for this purpose.

Since 2004, only $16.6 million out of the $11.5 billion of other DHS grant funds has been used by State and local governments for EOC construction, only one-tenth of 1 percent. The Emergency Management Performance Grants Program has provided a mere $755,000 to EOC construction. It is clear that the demands for the funds in these programs is great. In order to effectively administer emergency management programs and to equip and train first responders, there is not sufficient funding for EOC construction. In this committee bill, over half of the total amount made available for emergency operations center construction is available for competitive award.

I have listened to the Senator make some very persuasive arguments. I remind all of us that what we are providing is accountability and visibility for where those dollars are going. It is not being done in some bureaucracy where we cannot see it. It is laid out in this bill, and we have heard the arguments of many Senators here on why those funds are being appropriated to where they are. So I urge opposition to the amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, I inquire of the Chair, how much time remains on each side?

The ACTING PRESIDENT pro tempore. There is 2 minutes 24 seconds to the Senator from Wisconsin and 1 minute 54 seconds to the Senator from Washington.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I appreciate the comments of the Senator from Washington. I want to be clear because it is very easy for people listening to this debate to think we are trying to eliminate the Emergency Operations Center Program. That is the opposite of the case. This cleans it up and makes sure every State can fairly compete for it. So the truth is, this earmarking is the opposite of the accountability the Senator from Washington refers to. It creates the absence of accountability. There is no real scientific or needs-based analysis. It is just which Senator can get an earmark. It not only harms the program, it is gutting the program when 10 States, without serious analysis, get 50 percent of the money, and 40 States have to compete for all the rest.

The Feingold-McCain amendment would prevent earmarking of FEMA predisaster mitigation and emergency operations center grants. It does not eliminate them. While we may not all agree on the appropriateness of earmarking in general, I hope we can agree that grants that are supposed to protect Americans from terrorist attacks and natural disasters should be awarded on the basis of merits, not politics.

Currently, the Senate bill directs half of the emergency operations center funds to only 10 States. The House earmarks all of these funds and a fourth of the predisaster mitigation funds. Last year, FEMA only funded a tiny fraction of the emergency operations center applications it received because 64 percent of the funding went to earmarks. That is not accountability. That is ruining a perfectly legitimate program the people set up to help people face the possibility of disaster.

Many past earmarks would not have even qualified for the grants under the established guidelines. Again, President Obama has pressed to ensure that these funds are awarded competitively and on the basis of risk; and he has said, if not, the program should be canceled. We can make sure this does not happen by adopting this amendment.

Mr. President, I reserve the remainder of my time.

Ms. LANDRIEU. Mr. President, I rise today to speak in opposition to the Feingold amendment, No. 1402, which the Senate will vote on shortly.

This amendment would restrict Congress's ability to direct spending to meritorious projects for emergency operations centers and predisaster mitigation projects.

The Senate bill includes funding for the North Louisiana Regional Emergency Operations Center in Lincoln Parish, which is a project that I supported, and I would like to say a few words about it.

This EOC will serve 29 parishes in Louisiana that represent 43 percent of the State's land mass and 27 percent of its total population.

It will provide north Louisiana with a command center for emergency response throughout the region and in bordering States. It will also serve as a staging area for emergency responders and resources and offer training opportunities for firefighting and public safety.

Louisiana conducted the largest evacuation in American history last year as Hurricane Gustav approached our shores, and north Louisiana sheltered a majority of those evacuees. When Hurricane Ike struck 12 days later, north Louisiana received thousands of additional evacuees from Texas who fled that storm's path.

Mr. President, I have received letters of support from four statewide agencies and seven sheriffs for this project, and I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF LOUISIANA, GOVERNOR'S OFFICE OF HOMELAND SECURITY AND EMERGENCY PREPAREDNESS,
Baton Rouge, LA, June 6, 2008.

Re Lincoln Parish Public Safety Complex

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHERIFF STONE: On behalf of the Governor's Office of Homeland Security and Emergency Preparedness, I would like to extend to you my full endorsement and support of the proposed construct of the Lincoln Parish Public Safety Complex. It is my understanding that this complex will be available for regional training opportunities and could be used, upon request, by a number of public safety agencies in support of joint training throughout your region.

The concept of regional training is acutely in line with state and federal initiatives and readily supports all levels of regional training objectives. The purpose and goal of this project is an obvious testimony of your dedication towards the betterment of critically needed public safety skills. The construction of this collaborative agency project will obviously lend itself to the safety and well-being of all our citizens in the Northern Louisiana region.

In summary, this letter serves as my official endorsement of this project in addition to providing you with our continuing pledge of support and commitment towards endeavoring along side our dedicated public safety responder partners. I am pleased to support this initiative and look forward to working with our fellow public safety officers for the benefit of the entire North Louisiana region.

Yours truly,

MARK A. COOPER,
Director.

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, PUBLIC SAFETY SERVICES,
Baton Rouge, LA, March 28, 2007.

TO WHOM IT MAY CONCERN: Our agency, Louisiana State Police, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Hwy 33, about one mile north of I–20.

This letter serves as our official endorsement of this project as well as notification that we would like to be allocated office space and use of the facilities for our organization.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,

COLONEL L. WHITEHORN,
Superintendent, Louisiana State Police.

DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS,
Monroe, LA, March 23, 2007.

TO WHOM IT MAY CONCERN: Our agency, Department of Public Safety & Corrections—Division of Probation & Parole/Adult, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Hwy 33, about one mile north of I–20.

This letter serves as our official endorsement of this project as well as notification that we would like to be allocated office space and use of the facilities for our organization.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,

ARLENA ZEIGLER-MCDONALD,
District Administrator,
Division of Probation & Parole.

STATE OF LOUISIANA, DEPARTMENT OF WILDLIFE AND FISHERIES, OFFICE OF SECRETARY,
Baton Rouge, LA, May 2, 2007.

TO WHOM IT MAY CONCERN: Our agency, Louisiana Department of Wildlife and Fisheries, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Camp Road near Hwy 33, about one mile north of I–20.

This letter serves as our official endorsement of this project. We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,

BRYANT O. HAMMETT, Jr.,
Secretary.

LOUISIANA DEPARTMENT OF
AGRICULTURE & FORESTRY,
Baton Rouge, LA, April 23, 2008.

TO WHOM IT MAY CONCERN: The Louisiana Department of Agriculture and Forestry wishes to support the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Highway 33, about one mile north of I–20.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish. With kindest regards, I remain . . .

Sincerely,

MIKE STRAIN,
Commissioner.

BIENVILLE PARISH SHERIFF'S OFFICE,
Arcadia, LA, February 5, 2008.

Hon. MIKE STONE,
Sheriff, Lincoln Park
Ruston, Louisiana.

DEAR SHERIFF STONE: It has been brought to my attention that Lincoln Parish is currently seeking funds for a public safety complex that would be available for regional training opportunities. This regional training concept would be very advantageous to all surrounding public safety agencies which currently have no such facility available.

I wholeheartedly support your endeavors to see that Lincoln Parish, as well as the surrounding parishes, has a ''state of the art'' facility to provide much needed training on a regional basis. You have my commitment to be part of any training that would be beneficial to my department as well as others throughout North Louisiana.

Sincerely,

JOHN E. BALLANCE,
Sheriff.

CLAIBORNE PARISH SHERIFF,
Homer, LA, February 4, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office
Ruston, LA.

DEAR SHERIFF STONE: I, Sheriff Ken Bailey, of the Claiborne Parish Sheriffs Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We ore pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

KEN BAILEY,
Claiborne Parish Sheriff.

JACKSON PARISH
SHERIFF'S DEPARTMENT,
Jonesboro, LA, February 4, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHEIFF STONE: Sheriff Andy Brown, of the Jackson Parish Sheriff's Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

ANDY BROWN,
Sheriff.

OUACHITA PARISH
SHERIFF'S DEPARTMENT,
Monroe, LA, February 1, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHERIFF STONE: Please allow this letter to serve as my official endorsement of the proposed Lincoln Parish Public Safety Complex. The Ouachita Parish Sheriff's Office supports this effort and all regional efforts to enhance public safety in our area.

It is my understanding that this facility will be available for regional training opportunities and by our organization for joint training with other Departments in our region. Regional training fits in well with current initiatives being promoted by State and Federal agencies.

It is my pleasure to support this project. The Ouachita Parish Sheriff's Office is looking forward to working with and supporting other agencies of this region in the interest of public safety.

Sincerely

RICHARD FEWELL,
Ouachita Parish Sheriff.

SHERIFF—UNION PARISH,
Farmerville, LA, January 30, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHERIFF STONE: I, Sheriff Robert G. ''Bob'' Buckley of the Union Parish Sheriff's Office, am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

ROBERT G. ''BOB'' BUCKLEY,
Sheriff—Union Parish.

SHERIFF—WEBSTER PARISH,
Minden, LA, February 1, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHERIFF STONE: I, Sheriff Gary Sexton of the Webster Parish Sheriff's Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

GARY SEXTON,
Sheriff.

LINCOLN PARISH POLICE JURY,
Ruston, LA, March 26, 2007.

Re Support for Lincoln Parish Public Safety Complex.

TO WHOM IT MAY CONCERN: The Lincoln Parish Office of Homeland Security and Emergency Preparedness fully supports the proposed Lincoln Parish Public Safety Complex. The Complex will be available to house

state and local agencies responsible for the security and safety of the citizens of Lincoln Parish. The Lincoln Parish Police Jury has agreed to provide twenty acres of land across from the Lincoln Parish Detention Center for this project. This property is located on the Road Camp Road near LA 33 approximately one mile north of Interstate 20. The Police Jury is willing to work to secure alternative sites if required.

The Lincoln Parish Office of Homeland Security and Emergency Preparedness would also be interested in receiving an allocation or use of space in the proposed facility. I look forward to working with the other Public Safety entities in Lincoln Parish to move this worthwhile project forward.

Thank you for your consideration of this important project. If you have any questions that I can answer please do not hesitate to call.

Sincerely,

DENNIS E. WOODWARD,
Lincoln Parish Director, Office of Homeland Security & Emergency Preparedness.

Ms. LANDRIEU. Supporters include the Louisiana Office of Homeland Security and Emergency Preparedness, Louisiana State Police, Louisiana State Police, Louisiana Department of Public Safety and Corrections, Louisiana Department of Wildlife and Fisheries, Louisiana Department of Agriculture and Forestry, and sheriffs from the parishes of Bienville, Claiborne, Jackson, Lincoln, Ouachita, Union, and Webster.

The State of Louisiana has already dedicated $144,000 to this project, and Lincoln Parish has donated land worth $400,000 to accommodate the proposed facility.

This funding represents a shared commitment on the part of State and local government that will ensure cost-efficiency and mission success.

The Constitution provides Members of Congress with the authority and responsibility to provide funding for national programs and priorities.

I support full transparency into the appropriations process, and stand by this funding request on behalf of the people of my State.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, we have had a vigorous debate on the amendment, and I appreciate the passion of the Senator from Wisconsin on this issue. But I again remind my colleagues, what we have had is a very passioned debate, and we have had a thoughtful debate about where these funds are going to go, which, to me, means the Senate is thinking about where their Federal dollars they have out there are going to go and it brings visibility and light. We all have an opportunity now to have a vote on that.

I again urge a ''no'' vote on this amendment.

Mr. President, I believe the time of the Senator from Wisconsin is used up at this point.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin has 19 seconds.

Mr. FEINGOLD. Mr. President, I yield it back, and if it is appropriate, I ask for the yeas and nays.

Mrs. MURRAY. Mr. President, if the Senator from Wisconsin yields his time back, I will yield my time back.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill 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.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—38

Barrasso	Ensign	Lieberman
Bayh	Enzi	Lugar
Bingaman	Feingold	Martinez
Bunning	Feinstein	McCain
Burr	Franken	McCaskill
Carper	Graham	Risch
Chambliss	Gregg	Snowe
Coburn	Inhofe	Thune
Conrad	Isakson	Udall (NM)
Corker	Johanns	Vitter
Cornyn	Kaufman	Webb
Crapo	Klobuchar	Wicker
DeMint	Kyl	

NAYS—60

Akaka	Grassley	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Hatch	Reed
Bennet	Hutchison	Reid
Bennett	Inouye	Roberts
Bond	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown	Kohl	Schumer
Brownback	Landrieu	Sessions
Burris	Lautenberg	Shaheen
Cantwell	Leahy	Shelby
Cardin	Levin	Specter
Casey	Lincoln	Stabenow
Cochran	McConnell	Tester
Collins	Menendez	Udall (CO)
Dodd	Merkley	Voinovich
Dorgan	Mikulski	Warner
Durbin	Murkowski	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 1402) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I believe there is an amendment pending. If I am correct in that, I ask unanimous consent to lay that aside for the purpose of getting an amendment pending.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1432 TO AMENDMENT NO. 1373

Mr. KYL. Mr. President, I send to the desk an amendment with an original cosponsor, Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. MCCAIN, proposes an amendment numbered 1432.

The amendment is as follows:

(Purpose: To strike the earmark for the City of Whitefish Emergency Operations Center)

On page 33, line 10, strike ''no less'' and all that follows through ''Montana;'' on line 12.

Mr. KYL. Mr. President, since this amendment deals with an earmark in the State of Montana, I will make my comments with respect to it at a time when Senator TESTER can be here. I know he wants to oppose the amendment. We can debate that at a time that is mutually convenient for the two of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

AMENDMENT NO. 1428 TO AMENDMENT NO. 1373

Mr. HATCH. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 1428.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the amendment?

Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. MENENDEZ, Mr. NELSON of Florida, and Mrs. GILLIBRAND, proposes an amendment numbered 1428.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. HATCH. Mr. President, I rise today to offer an amendment to the Homeland Security Appropriations bill that will extend, for 3 years, the Special Immigrant Non-Minister Religious Worker Visa Program and the Conrad 30 Program. In addition, my amendment addresses the immigration-related hardships caused by the death of a sponsoring relative.

Let me say a few words about the Special Immigrant Non-Minister Religious Worker Visa Program. The program provides for up to 5,000 special immigrant visas per year which religious denominations or organizations in the United States can use to sponsor foreign nationals to perform religious service in our country. To date, the Special Immigrant Non-Minister Religious Worker Visa Program has been extended six times. However, Congress has started a very poor practice of extending this program in 6-month

spurts—making it extremely difficult for agency officials to administer the program and for religious groups to make long-term plans for their critical staffing needs.

Lest some people think this is not an important program worthy of our attention, let me tell you about the services nonminister religious workers perform. These selfless workers provide human services to the most needy, including shelter and nutrition; caring for and ministering to the sick, aged, and dying; working with adolescents and young adults; assisting religious leaders as they lead their congregations and communities in worship; counseling those who have suffered severe trauma and/or hardship; supporting families, particularly when they are in crisis; offering religious instruction, especially to new members of the religious denomination; and helping refugees and immigrants in the United States adjust to a new way of life.

I am aware of the concerns that some of my colleagues have about fraud within this program, and I am equally concerned. Yet I want to make it clear. The figures used to taint this program are outdated and not reflective of where things stand currently. U.S. Citizenship and Immigration Services, USCIS, is in the process of completing the implementation of rules and procedures promulgated in November 2008 to eliminate fraud. This includes regular site visits. Additionally, an inspector general report, just issued a few weeks ago, confirms that USCIS has developed a credible process to deter and detect nonminister petition fraud.

To ensure that we continue to keep on top of this issue, I have insisted that language in the proposed amendment require a report from USCIS, within 90 days of enactment, to identify the risks of fraud and noncompliance by program participants. Additionally, USCIS will be required to provide a detailed plan that describes the actions taken by the agency against noncompliant program participants and future noncompliant program participants. Three months after providing this report to Congress, USCIS will be required to provide a report on the progress made in reducing the number of noncompliant participants of this program.

I want to assure my colleagues that fraud in any government program is totally unacceptable to me. And I believe the extra steps included in the legislation will further the progress USCIS has made in eliminating and preventing fraud in this important program.

Mr. President, please note that there are several religious organizations that support passage of the Special Immigrant Non-Minister Religious Worker Visa Program, including The Church of Jesus Christ of Latter-day Saints, the American Jewish Committee, the Agudath Israel of America, the Catholic Legal Immigration Network, Inc., the Church Communities International, the Conference of Major Superiors of Men, the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, the Mennonite Central Committee, the United States National Association of Evangelicals, the National Spiritual Assembly of the Bahai of the United States, The Church of Scientology International, The First Church of Christ, Scientist, Boston, MA, the United Methodist Church, the General Board of Church and Society, the World Relief, and the U.S. Conference of Catholic Bishops.

No doubt our country's religious organizations face sometimes insurmountable obstacles in using traditional employment immigration categories to fit their unique situations.

Fortunately, the Non-Minister Religious Worker Visa Program allows our country's religious denominations to continue uninterrupted in their call to serve and provide support to those who are in the greatest need. I commend their service and hope they know how much I respect their work.

Let me take a moment to say a few words about the Conrad 30 Program, which was created in 1994. The Conrad 30 Program allows foreign doctors, who are already in the United States, and who have been trained in the United States, to extend their stay in the country if they agree to practice in medically underserved communities in the U.S. for 3 years. The program, which is run at the State level, has brought over 8,500 doctors to underserved areas across the country, and to all 50 States. However, it expires in September. My amendment also will extend the Conrad 30 Program for 3 years.

The Immigration and Nationality Act, INA, imposes what has become known as the ''widow penalty,'' requiring the deportation of individuals whose pending applications for green cards are rejected because their citizen spouse died within the first 2 of marriage. This amendment remedies this unintended and unjustified administrative procedure.

Under current law, when a U.S. citizen marries a noncitizen, the noncitizen is eligible to become a legal permanent resident and receive a green card. During the first 2 years of marriage, the only way this can be accomplished is through a petition that the citizen files on the noncitizen spouse's behalf. The noncitizen cannot self-petition for legal permanent resident status until the marriage has lasted for 2 years.

If, however, the citizen spouse dies while the petition, through no fault of the couple, remains pending. This is often unfair; delays are often caused by agency workload or issues which are not the fault of the petitioners. The petition automatically is denied. The noncitizen is immediately deemed ineligible for legal permanent residence and therefore becomes deportable. This is the case even if ample evidence of a bona fide marriage, such as cohabitation, shared finances, exists. It is often the case even if a couple had a U.S. born child.

Because of the widow penalty, well-intentioned widows who have played by the rules face immediate deportation. During the 110th Congress, efforts to persuade the USCIS to address the issue administratively were unsuccessful. In the current administration, Secretary Napolitano has directed that the Department of Homeland Security to review a number of immigration issues, including the ''widow penalty,'' and has decided to defer action on deporting widows for up to 2 years to allow time for Congress to fix the problem.

There have been more than 200 ''widow penalty'' victims, including a woman whose husband died while serving overseas as a contractor in Iraq; a woman whose husband died trying to rescue people who were drowning in the San Francisco Bay; and a woman who was apprehended by Federal agents when she went to meet with immigration authorities to plead her case she was placed in shackles, and sent to a detention facility.

This amendment will end the harsh and unfair ''widow penalty'' by allowing the petition to be adjudicated even though the spouse has died. The proposed legislation affects only a small class of individuals who still would be required to demonstrate that they had a bona fide marriage before receiving a green card. Thus, USCIS would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

The amendment also includes provisions to clarify that the government should continue to process the immigration applications of immigrants who are already waiting to receive an immigrant or other visa under certain conditions.

Specifically, the bill would protect orphans, parents and spouses of United States citizens by allowing them to continue their applications through the family immigration system in cases where the citizen's or resident's relative died if the individual self-petitions within 2 years; allow the spouse and minor children of family-sponsored immigrants and derivative beneficiaries of employment-based visas to benefit from a filed visa petition after the death of a relative or adjust status on the basis of a petition filed before the death of the sponsoring relative if the application is filed within 2 years; allow the spouse and minor children of refugees and asylees to immigrate to the U.S. despite the death of the principal applicant and allow them to adjust their status to permanent residence; provide processes to reopen previously denied cases and allow individuals to be paroled into the U.S. in cases where the sponsoring relative died after submitting an immigration application, and promote efficient naturalization of widows and widowers by

allowing the surviving spouse to continue with a naturalization application as long as the deceased spouse was a citizen of the United States during the 3 years prior to filing.

The bill ensures that all widows and orphans would have to comply with affidavit of support requirements to ensure they do not become a public charge. The bill includes provisions to make sure that all widows and orphans who benefit under this act are subject to current numerical limitations on visa issuance. The bill also provides a limit on issuance of visas for widows where the spouse died over 10 years ago: only 100 visas would be available for individuals whose spouses died before 1999.

I urge my colleagues to support passage of this important legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY.) Without objection, it is so ordered.

AMENDMENT NO. 1406 TO AMENDMENT NO. 1373

Mr. MCCAIN. Mr. President, I have an amendment at the desk. I see it as 1404, which is to strike the Loran-C Program. It is at the desk. It could be 1406.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mrs. MURRAY. Reserving the right to object, can we get the correct number?

Mr. MCCAIN. Pending me finding the right number, 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. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Thanks to my crack staff, that amendment number is 1406. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1406 to amendment No. 1373.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision relating to the Loran-C signal, as recommended by the Administration)

On page 75, line 15, strike all through page 77, line 16.

Mr. MCCAIN. Mr. President, I would imagine that my colleagues remember that several months ago the President announced there would be a number of significant cuts in spending in order to try to bring unnecessary and wasteful programs under control. The President announced there would be some $41 billion saved over the next decade, and the administration, as part of its budget submission, recommended terminating or reducing 121 Federal programs that were estimated to save the taxpayers $41 billion over the next decade.

That announcement by the President was greeted with certainly applause and appreciation by most Americans since we are amassing multitrillion-dollar deficits. Unfortunately, it seems pretty clear these budget cuts the administration recommended terminating are not being terminated.

We have had votes already on at least two of them, and now we are about to talk about another one that would achieve a savings of some $36 million in 2010, and $190 million over 5 years, not a small amount of money, at least in the old days before we got into trillion-dollar and multitrillion-dollar deficits.

So what this amendment does is seek to strike the Loran-C Program. In the interest of full disclosure, Loran was around when I was in the Navy, so obviously it is a pretty old program. The President and the administration called it ''obsolete technology.'' I certainly agree.

The administration stated in its budget submission—and I have that somewhere—and I quote from it:

The Loran-C is a federally provided radio navigation system for civil marine use in U.S. coastal areas. The Nation no longer needs this system because the nationally supported civilian Global Positioning System [known to us as GPS] has replaced it with superior capabilities. As a result, Loran-C, including recently technological enhancements, serves only the remaining small group of longtime users. It no longer serves any governmental function, and it is not capable as a backup for GPS.

I want to point out again to my colleagues, that is not my view, and I will enumerate a number of governmental agencies that agree with that. But several Federal agencies, including the Departments of Defense, Transportation, and Homeland Security, already have backup systems for their critical GPS applications, and the termination of Loran-C does not foreclose future development of a national backup system. It nearly stops the outflow of taxpayers' dollars to sustain a system that does not now and will not in its current state serve as a backup to GPS. That is pretty strong and pretty direct and pretty clear language.

Obviously, the administration is proposing to terminate the terrestrial-based, long-range radio navigation system, Loran-C, operated by the Coast Guard because it is obsolete technology.

Accounting for inflation, this will achieve a savings of $36 million in 2010 and $190 million over 5 years. Again, I point out this is one of 121 terminations or cuts the President of the United States announced the administration wanted done and, of course, many Americans believed they would be achieved. So far we haven't done one. I am sure we may, but we have not done one.

In 2005 numerous Federal agencies called for the termination of this program, as I mentioned earlier, including the Coast Guard; the Secretary of Defense; Secretary of Transportation, representing the Federal Aviation Administration; and the Secretary of Homeland Security, representing the Coast Guard.

All signed, in October 2005, a report that stated the Department of Defense has determined that Loran is no longer needed as a positioning, navigational, or timing aid for military users, and ''with respect to aviation, the FAA has determined that sufficient alternative navigation aids exist in the event of a loss of GPS-based services, and, therefore, Loran is not needed as a back-up navigation aid for aviation users.'' And, ''with respect to maritime safety, the United States Coast Guard has determined that sufficient back-ups are in place to support safe maritime navigation in the event of a loss of GPS-based services, and, therefore, Loran is not needed as a back-up navigational aid for maritime safety.''

It is not a new debate. Once programs come into being, they are almost impossible to kill, and we may not be able to kill this one. The votes so far have indicated there certainly is not a harboring of success. This is a GAO report, the U.S. Government General Accounting Office, dated September 18, 1981. The report States:

DOT, [Department of Transportation] should terminate further Loran-C development and modernization exploit the potential of the Navstar global position system, [i.e. GPS.]

Remarkable. 1981. So the report goes on—and I will not waste too much time going into it—but the GAO obviously found that the Coast Guard—

We have completed a follow-up review on our March 21, 1978 report. The report concluded that the Department of Defense's DOD satellite-based Navstar GPS could be a national asset, could replace many existing navigation systems at substantial savings.

The report considered these systems, including the Department of Transportation's Loran-C system, to be unneeded by the early 1990s and cautioned against further investment in Loran-C. It also recommended that the Secretary of Transportation become more involved in the GPS program to ensure the timely availability of low-cost civil receivers. Obviously, we have low-cost civil receivers.

So beginning in 1981 and here we are 28 years later trying to terminate a program that literally every agency of government is trying to kill. But will we succeed? Again, the votes so far do not indicate that.

Yesterday there was an article by Mr. Walter Alarkon, which says.

Democrats ignore Obama's cuts. Congressional Democrats are largely ignoring President Obama's $19.8 billion in budget cuts. The President proposed axing dozens of programs that he said were inefficient or ineffective, but Members of the House Appropriations Committee are including the money for them.

Over here on this side of the Capitol we are doing the same thing. The Associated Press:

Congress largely is ignoring Obama budget cuts. Lawmakers have yet to deal with most controversial proposed cuts. Obama proposed the cuts last month after what he promised would be a line-by-line scrub of the Federal budget to counter Republican charges that he is spending the country into too much debt. The House has already rejected his effort to kill a $400 million program that helps States with the costs of incarcerating criminal illegal immigrants, and a homeland security spending bill up for a House vote this week keeps in place the World War II era Loran-C maritime navigation system that Obama wanted to ax even though it has been rendered obsolete by the modern global positioning system.

The homeland security measures also preserve $12 million for bus systems—

That is the one that died, the amendment we tried to kill yesterday that died 51 to 47—

and $40 million in grants to local governments for emergency operations centers.

That one was not approved today by a vote of 60 to 38.

All told, lawmakers in both parties—California Republicans were the driving force in preserving the State Criminal Alien Assistance Program—have combined to preserve more than $750 million worth of cuts suggested by Obama.

From Politico:

Democrats make show of budget cuts.

That was on June 23.

With growing public concern about the deficit and billions still backed up in President Obama's economic recovery program, just how do Democrats sell another 8 percent increase in discretionary spending this summer? Some of the terminations are less than advertised.

It goes on and on.

I applaud the President's commitment cutting some of these programs. I spoke out at the time when he said they would go line by line, when he said they would have budget cuts that were significant, that there would be billions of dollars saved in unwanted, unnecessary programs and spending. Why don't we in Congress get that message?

If we continue on this path—and we probably will; I have been around this body long enough to see where the votes are; the appropriators have the control here—I will strongly suggest that the President start vetoing some of these bills, something the previous administration should have done and the previous President should have done. I came to the floor and fought against these earmark pork-barrel projects in the last administration, just as I am with this one.

Yesterday I offered an amendment to strip funding for a program the administration had declared unnecessary and sought to terminate. The amendment was defeated, and only 12 Members of the President's party supported the amendment seeking to implement the administration's recommendation. When are we going to get serious about making tough choices around here?

I know there are other amendments in line. Let me sum up. This system is an aid to navigation for ships at sea and in rivers and lakes that long ago was replaced by something called GPS, the global positioning system. We have them in our cars. They are easily available to be bought at very low price at most any of our stores and outlets. I am sure one could draw a scenario where somehow all satellites fall from the sky and we are deprived of Loran-C, but that is sheer foolishness. If we don't kill this program, which was recommended to be terminated by GAO in September of 1981, it is pretty obvious we are not going to be able to reduce or terminate funding for any program, once it gets into production and once it gets its sponsors in the Congress.

I strongly recommend that my colleagues understand that we can't keep spending this kind of money. We just can't do it. We are laying a terrible burden on our children and grandchildren. This is some $36 million for next year, $190 million for the next 5 years. For anybody who has a rudimentary understanding of what GPS provides and how obsolete Loran-C is, it is willful ignorance.

I urge colleagues, let's, for a change, stand up for the American taxpayer. Let's stand up for the taxpayer and our children and grandchildren. In this era of $10 trillion debts and trillion-dollar-plus deficits, does $36 million in 2010 and $190 million over 5 years matter? I think it matters in that we ought to at least sometimes stop business as usual. People are not able to stay in their homes, not keeping jobs. Unemployment is at an all-time high. And we are going to waste another $36 million?

How many people could stay in their homes, how many people could we employ in small businesses, how many people could educate their kids with this $36 million for next year? There is something wrong here that we continue to spend like this, when America is going through the toughest recession in our history. Time after time we come to the floor and try to terminate obsolete programs. We try to stop the wasteful and unnecessary pork-barrel spending and earmarks. What do we get? We get majority votes against it.

Don't be surprised when the TEA parties get bigger around the country. Don't be surprised when more and more Americans register as Independents because they think both sides of the aisle are guilty. Don't be surprised when Americans in every way that they can express their extreme dissatisfaction with our spending habits and the corruption that exists as a result.

It is time we started standing up for the American people and not the special interests that are the sponsors of Loran-C and so many wasteful and unnecessary programs we continue to see increase in spending, when every other American family is having to tighten their belts and decrease spending, if they are able to spend at all.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Arizona for offering this amendment. Indeed, Loran-C was established after World War II as a navigational tool for our mariners and aviators. The President has proposed to terminate Loran-C stations on October 1, 2009, with the justification that the federally supported civilian global positioning system is now the primary navigational tool and the Loran-C is no longer needed by the Armed Forces or by the transportation sector or by the Nation's security interests. The Office of Management and Budget has also told us that many agencies, including the Department of Homeland Security, the Department of Transportation, and the Department of Defense, do, as the Senator stated, already have backup systems for GPS.

I want to set the record straight about what this committee mark does have in it that is before us. It does provide for the orderly termination of Loran-C beginning January 4, 2010. So the underlying bill does terminate the Loran-C program, and it does so in a way that allows the Coast Guard the time to inform the public and provide for the orderly termination of that program. The committee bill continues operations of Loran-C until January 4, 2010. Then the program is terminated.

Contrary to the sponsor's statement yesterday, there is not $35 million in this bill for Loran-C. This bill does have $18 million. The President in his request did include no funding to pay for the cost to terminate these stations. According to the Coast Guard, which has provided us information, they do need this funding to remove the high-value equipment and electronics hazardous material. They need it to remediate the environmental concerns and to fund a variety of measures to secure the sites until they are fully decommissioned. This money is not to continue the operation of Loran-C. It is to terminate it in a way that is proper and makes sure that while we remove these stations, we are doing it in a responsible way.

What we do in the committee mark is to make sure that the Coast Guard doesn't have to take away money from critical missions—search and rescue or drug interdiction or marine safety or environmental compliance—to terminate this program. We did include funding so that the Loran-C stations could be shut down responsibly.

The administration has sent us a statement of administration policy. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 2892—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

(Senator Inouye, D–Hawaii, July 7, 2009)

The Administration strongly supports Senate passage of H.R. 2892, with the committee-reported text of S. 1298, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010.

As we face difficult economic and fiscal decisions, it is important to make efficient and effective investments. The Department of Homeland Security Appropriations Act, 2010, as considered by the Senate Committee, makes important investments in transportation systems, cyber security, innovation and job creation, security for our borders, and emergency response. This legislation serves as an important piece of the Nation's economic recovery.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

FEDERAL PROTECTION SERVICE (FPS)

The Administration is pleased that the Committee supports the transfer of FPS to the National Protection and Programs Directorate (NPPD). This transfer will properly align the activities of FPS and NPPD, while allowing Immigration and Customs Enforcement to focus on its key immigration enforcement mission. The Administration plans to provide additional details to the Congress in support of the FPS transition and realignment of these responsibilities in the next few weeks.

E-VERIFY EXTENSION

The Administration appreciates the Committee's support for E-Verify by fully funding the request and including a three-year reauthorization to continue operations. This critical program supports immigration enforcement and promotes compliance with immigration laws.

FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA'S) DISASTER RELIEF FUND

The Committee significantly underfunds the Disaster Relief Fund (DRF). In an effort to implement a more transparent funding process for DRF, the Administration's $2 billion request is based on a methodology that incorporates historical costs associated with FEMA's response for non-catastrophic incidents.

LORAN-C TERMINATION

The Administration appreciates the Committee's support for termination of the Loran-C radio navigation system. The Administration supports the Committee's aim to achieve an orderly termination through a phased decommissioning beginning in January 2010, and the requirement that certifications be provided to document that the Loran-C termination will not impair maritime safety or the development of possible GPS backup capabilities or needs.

IMMIGRATION SERVICES

The Congress is urged to provide the requested funding to reform immigration fees. Eliminating the practice of passing on costs for refugees and asylees to other applicants for immigration benefits is an important first step to improve the accuracy, transparency, and fairness of immigration fees.

The Administration strongly urges the Congress to provide additional resources to support and expand successful immigrant integration programs across the country.

Mrs. MURRAY. It says:

The Administration appreciates the committee's support for termination of the Loran-C radio navigation system. The administration supports the committee's aim to achieve an orderly termination through a phased decommissioning, beginning in January 2010, and the requirement that certifications be provided to document that the Loran-C termination will not impair maritime safety or the development of possible GPS back-up capabilities or needs.

So the administration has said that the committee is complying with what they have asked us to do which is to terminate the Loran-C program.

The aim of the amendment is unclear to me. What it actually does is strip the Coast Guard of the authority we have provided in the underlying bill to terminate a program that will indeed save taxpayers $36 million a year.

The way the amendment is written, I oppose it because it will take away what the committee has written in here to terminate the Loran-C program, as the President has requested, in a responsible way, to do it in a way that we deal with the mitigation that needs to be done when we remove equipment such as this. The amendment that has been offered will actually strip the Coast Guard of the authority to do just that.

The committee bill does what the Senator is asking us to do. It does it in a timely and responsible way and does terminate the Loran-C program.

I urge colleagues to support the committee amendment that does it in a responsible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the distinguished chairman left out a couple of items. One, it will still cost an additional $18 million, if the program is terminated by January 4, 2010.

The interesting thing, when we read the bill on pages 75, 76, and 77, there is a list of caveats that have to be achieved in order for that to happen. How many times have I seen around here a determination made that they will terminate a program if the following criteria are met? The limitations in the bill are that termination will not adversely impact the safety of maritime navigation, the system is not needed as a backup to the GPS or any other Federal navigation, if the Commandant makes a certification. The Commandant doesn't have to make a certification. The Coast Guard has already said they don't want it. It needs no certification.

From the language of the bill:

Not later than 30 days after such certification pursuant to subsection (b), the Commandant shall submit to the Committee on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

If the Commandant makes the certification described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real or personal property under the administrative control of the Coast Guard and used for the Loran system, by directing the Administrator of General Services to sell such real and personal property . . .

So after the completion of such activities, the unexpended balance shall be available for any other environmental compliance and restoration. Why not stop it now? Why not stop it now? Why spend an additional $18 million? Why open this? Since 1981, we have been trying to kill it. Why open it for an additional period of time when clearly this system needs to stop?

With all due respect to the Senator from Washington, let's stop it now. We can stop it now. We know it can be stopped now. We don't have to spend an additional $18 million on the program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senator and I are on the same page. We want to terminate this program. But we have a responsibility, as oversight, to make sure that we do it in a way that mitigates any problems that are out there.

We have high-value equipment. We have electronic hazardous materials that are out there. The Coast Guard—whoever is responsible—has to remediate the environmental concerns. They need to secure these sites where the Loran-Cs are. That is what this funding is for, to make sure it is done responsibly.

If we do not provide the funds in this amendment, the Coast Guard will be required to take the money to do that out of other very important missions that many of us care about, whether it is search and rescue or drug interdiction or marine safety or threats of terrorism. We do not want the Coast Guard to have to take away that money to do that.

I want to specifically say again, the amendment before us, the way it is written, strikes the language that the President requested to provide for the orderly termination by providing authority to sell the Loran-C assets. If this amendment is adopted, they will not be able to sell the Loran-C assets and thereby save taxpayer dollars.

I understand where the Senator is coming from. I know his past concerns about this program. We are going to shut it down. That is what this amendment does. The commandant, who is, in our language, being asked to certify, goes at the behest of the President. As the Senator from Arizona well knows, the President has said he wants the program shut down, and that is what this committee is trying to do, in a responsible way, to save taxpayer dollars in the long run and specifically to be able to sell the Loran-C assets so the taxpayers can regain their money at the end of the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, in 2007 I offered this direct amendment. We spent 3 hours on it on the Senate floor. Everybody agreed we needed to get rid of this program then. We had some concerns. The thing I do not understand is why we are waiting the extra 5 months to shut down a program. There is nobody who needs this program. That 5 months—just that 5 months of continuing the program—costs the American taxpayers $18 million.

So if, in fact, we are going to shut down the program, I would like to understand the logic of turning it down in January instead of October 1.

First of all, nobody is using this system now. Nobody is using it. Why can't they notify in 3 months all the people—which is zero—who are using this today? The other question is, why does it take $35 million? Where is the backup detail that shows what the costs will be? Maybe it is $18 million.

Mrs. MURRAY. It is $18 million.

Mr. COBURN. So why does it take $18 million? There are only seven stations left, and we are talking about facilities that are smaller than these four desks. Tell me how it takes $2.5 million per buoy to shut them down. Only from Washington would it take that much money. Where is the basis for the knowledge that it takes $18 million?

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. COBURN. Mr. President, I am happy to yield for a question.

Mr. McCAIN. Mr. President, I am sure the Senator understands from the budget of the U.S. Government for fiscal year 2010 that the Office of Management and Budget submitted to the Congress, it says the administration is proposing to terminate and achieve a savings of $36 million in 2010, and now the Senator from Washington is obviously contradicting what we were told by the administration, which is what we wanted.

How it could cost $18 million, as you say, to shut down seven sites, and not be allowed to sell off valuable assets, of course, is foolishness. Of course the government sells off assets that are extraneous assets all the time without the permission or the need to have legislation.

Is the Senator aware of that?

Mr. COBURN. Mr. President, I would tell the Senator from Washington, first of all, I do appreciate that the Senator is attempting to shut this down, and I thank the Senator for that. It has been long overdue. But I do question the amount of money it takes to shut this down. We know the bureaucracies always want more money than what is necessary. You have allowed in this bill that whatever is not used they can plow back into anything they want to use it for.

Why would we not terminate it at the end of the fiscal year? Every month we are running it, it costs $3 to $4 million—$3 to $4 million. I know it does not seem like a lot when we are going to have a $1.8 trillion budget deficit this year, but I do not understand why we would not do it.

I say to the Senator, I appreciate the fact that he is doing it. I think it can be done for a lot cheaper, and I think it could be done sooner, and I would hope the committee would consider that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At this moment there is not a sufficient second.

Mr. COBURN. There is not?

The PRESIDING OFFICER. There is now a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. 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. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER FINANCIAL PROTECTION AGENCY

Mr. MERKLEY. Mr. President, today, colleagues, I rise to give voice to my strong support for President Obama's proposal to create a consumer financial protection agency separate from our prudential banking regulators. I believe establishing this new independent agency is critical to protecting the economic security of the American middle class and ensuring the stability of our financial system and the banks within it.

Let me share with you a story about Ira Cheatham. Ira is a 73-year-old retired veteran of the Korean war. I think his story helps explain why we need to do more to protect middle-class economic security. Ira and his wife lived in Portland, OR, for 21 years. By 2002, this couple had nearly paid off their mortgage. But a few years ago, in the midst of the subprime boom, the family received what looked like a check from their bank, their mortgage company, a check for $1,000. Ira cashed in the check. Ira did not realize that the check actually represented a high-interest loan.

Within a week or two after cashing the check, the family received a call from their mortgage company urging the couple to consolidate this $1,000 loan with their credit card debt into a single mortgage. This family had excellent credit, and the mortgage company promised the couple they would receive an interest rate between 5 and 6 percent, which would have reduced monthly payments.

Based on this promise, the couple agreed. But what they soon discovered was they had been assigned an interest rate of 11.8 percent. Moreover, the loan contained discount points financed into the loan, inflating the loan amount and stripping away equity in the house. Under this new subprime loan, the mortgage payments swelled to $1,655—nearly 60 percent of the family's monthly income.

Having discovered this, it would have been great if this family could have simply refinanced. But in the loan was a $7,500 prepayment penalty; in other words, stripping them of another $7,500. Once they discovered what they had been trapped into—what they had been tricked into—they were then locked into this prepayment penalty that would further decimate their equity.

They did not have many good options—an unsustainable interest rate, an outrageous prepayment penalty—but, finally, they took and did what they had to do, which was to pay that prepayment penalty in order to refinance their mortgage with another lender.

Our financial marketplace has become infested with these kinds of predatory lending products and practices that exploited this elderly couple and millions of other families across this Nation. Now these practices are commonplace because they are not regulated. They are commonplace because they are highly profitable. They are embedded in documents inches thick in a home loan. They are written in light gray ink on the back of a check. When deposited, you have actually signed a financial document.

Well, these types of tricks and traps are unacceptable. Mr. President, $2.7 trillion in losses to subprime writedowns only scratches the surface of the total cost of this economic catastrophe—a catastrophe that would have been avoided if banks had sold stable prime loans instead of tricking and trapping families into volatile subprime loans.

In short, we need to reestablish strong consumer protection in our financial markets. The solution is simple and should have been adopted a long time ago: centralizing financial consumer protection regulation in a single agency, an agency that is not compromised by having another mission, another mission of regulating monetary policy or another mission of overseeing the stock market or another mission here or there; no, a mission responsible to the consumers of this Nation of financial products that says our transactions are going to be transparent, the terms are going to be clear, we are going to get rid of the tricks and traps.

Many of you know we recently passed a bill in this Chamber on credit cards to get rid of the tricks and traps we know of in the credit card industry. That is a tremendous step forward. But who would doubt—who in this Chamber would doubt; who in America would

doubt—that within 12 months we will have a new set of tricks and traps?

You cannot simply legislate every time one of these is created. You need a consumer financial products agency to oversee this process, to make sure we protect the consumer from new, clever ways of stripping Americans' wealth. Establishing a strong consumer financial protection agency would be a major step forward in protecting the economic security of working Americans. There are folks who say: You know what, we are making a lot of money. We don't want this type of regulation.

Let's draw a parallel here to consumer products in other areas. How about toys for our children. There are folks who would say: No, we shouldn't regulate the quality of toys, we shouldn't regulate whether there are small parts that will choke our child, we shouldn't regulate whether there are exploding parts that might take out an eye, we shouldn't regulate the lead in the paint, because this reduces choice. But we have recognized that when it comes to consumer products appearing in our homes, we need to have ongoing oversight to make sure products are fair and safe, and we need to do the same thing in the financial world.

The failure to regulate has had an enormous toll: $700 billion in taxpayer money spent to bail out our banks, $12.2 trillion in household wealth lost in America since 2007, and the tragedy of millions of Americans losing their homes and their jobs. Those are the real costs of failing to regulate financial consumer protection.

Let's look at a few things such an agency would do.

First, it would mean less bureaucracy and less cost. Each of our banking regulators already has a consumer protection obligation, a consumer protection division. Three of four Federal banking agencies have separate consumer protection functions from the rest of the agency. Now, that mission is often set aside, that mission is often ignored, in light of the other missions of the agency, but it is far more effective, cost-effective, to have these missions combined into a single entity with the responsibility directly to consumers.

A second concern has been that it would be a mistake to have folks who offer financial products provide a simple, plain-vanilla product as a comparison to give them a framework for the contract being put before them. But these types of straightforward, plain-vanilla comparisons are very useful to consumers to allow them to make an informed choice. In the long term, a smarter consumer produces better competition between those who provide these products because now they are forced to compete not on tricks and traps but on transparency, on consumer service—customer service—and that is a positive thing. It means real competition in terms of price. I think our community financial institutions in particular would have a stronger claim in such new business because who provides better consumer service than our local community bankers?

Third, a consumer protection agency would clear the field of unregulated bad actors whose competition lowers standards across financial products. Well, I wish to draw a bit of an analogy here to a football game. Imagine a football game where only one side gets called for penalties. That is what happens when you have one responsible financial player and another that isn't abiding by any sort of fairness or transparency. That does not produce good competition. If only your opponent can jump the line or face mask or get away with just about anything without penalty flags being thrown, how is your team going to compete? That is the challenge the responsible players have in the marketplace today. Well, let's not put them in such a difficult position. Let's make sure all of the players are acting responsibly, and that is the role such an agency would carry on.

We need a consumer financial protection agency to protect the hard-earned wealth of hard-working Americans—Americans like the elderly couple I told the story about earlier, Americans like Maggie from Salem, OR. Maggie paid her credit card bill on time, and then what happened? She was charged a late fee.

So she called up and said: Why is that?

The credit card company said: Well, you know what, we get to sit on your payment for 10 days before we post it, so technically you are late even though you paid us early.

Maggie said: Where is the fairness in that?

Folks like Maggie across this country are asking that simple question: Where is the fairness in that?

Our consumers deserve fairness. Let's not try to have short-term profits that undermine the success of our families by stripping wealth through tricks and traps. Let's have our consumers say: Isn't it great that here in America we make sure there is fairness in our financial products, that we don't try to depend on tricks and traps that strip wealth from elderly couples, strip wealth from young families trying to raise children, that take away the opportunities of those families to provide for their children. Let's put a referee into the game again. We need this agency.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1406

Mrs. MURRAY. Mr. President, my understanding is the Senator from Maine would like 10 minutes to speak on the McCain amendment. I ask unanimous consent that following the remarks of the Senator from Maine, the Senate vote in relation to the McCain amendment, with no other amendments in order prior to the vote on the McCain amendment, in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by the Senator from Arizona.

Let me start with some background on the Loran system since it may not be familiar to many of our colleagues. This is a radio navigation system with 24 land-based transmitters which are operated by the Coast Guard that can be used to determine the location and speed of the receiver. Some mariners and aviators use the current system, which is known as Loran-C, for navigation, while others have switched to the GPS system. An upgraded Loran system, which is known as eLoran, would use Loran-C transmitting stations as its foundation and it would serve as a backup to GPS as well as a primary navigational tool.

This infrastructure would provide the foundation that is necessary to have a backup for the GPS. If we abandon the Loran-C system, as Senator MCCAIN has advocated, we would lose the considerable investment of $160 million we have already made to deploy the eLoran system, and this system is one that a joint Department of Homeland Security and Department of Transportation assessment team has recommended as the backup for GPS.

Why do we need a backup for GPS? The fact is GPS is vulnerable to atmospheric interference and jamming. A loss of the GPS signal for even a short duration and in an isolated region would adversely affect cell phone coverage, the national power grid, and air traffic.

Our Nation needs a reliable backup. This isn't just my opinion. This is the considered opinion of an independent assessment team that just filed its final report in January of this year. One of the previous speakers referred to a GAO report that is over 25 years old. I am talking about an assessment that was just completed in January of this year. DHS and the Department of Transportation jointly commissioned an assessment team that included a diverse group of senior decisionmakers and experts from government, academia, and industry. This team reviewed 40 previous reports, interviewed the key stakeholders, industry representatives, and other experts, and received 980 comments on what should be done, and 93 percent of those comments were in favor of maintaining the Loran system—93 percent.

Listen to who some of the commentators were. Sprint Nextel, which is the supplier of critical communications capabilities, and the Department of Energy's National Nuclear Security Administration both stated that they currently use the Loran system and that

they support upgrading to eLoran as a backup and complement to the GPS system. The Department of Energy moves controlled nuclear material around the country and uses Loran-C as ''an active and robust supplement to GPS.'' This is the Department of Energy's Nuclear Security Administration telling us it needs and relies on the Loran-C system. They describe it as an active and robust supplement to GPS. The Department of Energy uses Loran-C to provide location information on nuclear material in the event of blocked visibility, solar storms, and intentional jamming of the GPS system.

In January of this year, when the team released its report, it unanimously concluded that the eLoran should serve as the national backup system for GPS and that the Loran-C infrastructure should be maintained until we have full deployment of the eLoran.

Think what we are doing if this amendment passes. What we are proposing is to discontinue a system that is being relied upon by the Department of Energy and countless other users. That is why this independent assessment team—this isn't my opinion, this is the independent assessment team's conclusion—says we must maintain the current system until we have fully transitioned to the eLoran system, which will be the backup for GPS. What is being proposed by this amendment is to discontinue the Loran-C system prior to having a backup in place. That makes no sense whatsoever.

Again, I would emphasize that this was a unanimous conclusion of the Department of Homeland Security and the Department of Transportation's independent assessment team as of January of this year. It is the newest assessment we have. It is the most complete review that has ever been done.

The fact is, the weaknesses in the GPS system are well known. A GAO report published in May raised serious concerns regarding the near- and long-term health and reliability of the GPS network, noting that there is a high risk—that is GAO's assessment—that the Air Force will not be able to meet its schedule for the deployment of GPS satellites. The Department of Defense predicts that over the next several years, many of the older satellites will reach the end of their operational life faster than they will be able to be replaced.

A Wall Street Journal article in June concluded that the GPS satellite system—the article cited new interference problems with the signals being transmitted by recently launched GPS satellites, raising additional serious concerns about the timeline for the deployment of the next generation of GPS satellites.

The assessment team reported on a GPS interference incident in San Diego that lasted 3 hours. The GPS system is not failproof. It can be intentionally interfered with or it can stop operating due to atmospheric conditions.

The eLoran would fulfill the requirement established in National Security Presidential Directive 39 for a backup to GPS. This is a modest investment of funds to make sure we do not experience a dangerous gap.

Another myth we keep hearing is that there hasn't been sufficient study into the issue of whether a backup is needed for the GPS system. In fact, as I have indicated, eLoran has been exhaustively studied. The result of these successive scientific and budgetary analyses is that eLoran represents the most cost-effective backup to GPS.

Again, that is not just my opinion. That is the unanimous conclusion of the independent assessment team that was established by the Department of Homeland Security and the Department of Transportation.

I urge the defeat of the amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1406, offered by the Senator from Arizona, Mr. MCCAIN.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—37

Barrasso	Ensign	Martinez
Bayh	Enzi	McCain
Bennet	Feingold	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Cochran	Hutchison	Thune
Conrad	Inhofe	Udall (CO)
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	Lugar	

NAYS—61

Akaka	Gillibrand	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennett	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Bond	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown	Kohl	Shelby
Brownback	Landrieu	Snowe
Burris	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (NM)
Casey	Lincoln	Voinovich
Collins	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	
Franken	Nelson (NE)	

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 1406) was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we have made great progress over the last day on the Homeland Security Appropriations bill. This is a very important bill that provides for the security of this country.

We have made good progress with a number of amendments that we have worked our way through today. We intend to finish this bill tomorrow. We ask Senators from either side of the aisle to notify either myself or the Senator from Ohio, who is managing for the Republicans on this bill, to let us know this evening if they have any amendments they want to be considered; otherwise they may find themselves not able to offer their amendment.

So we ask all Members to please let us know, the managers of this bill, this evening if there are any amendments you will require a vote on tomorrow. We do intend to finish this bill tomorrow.

I also notify Members that the majority leader intends to file cloture on this bill tonight. If we cannot work our way through it tomorrow, we will be here Friday voting on cloture. So I again ask Members to work with us to finish this bill in a very timely manner.

We have got a lot of work done. We expect that we can finish it tomorrow in a timely fashion if we get the cooperation of all Members. I urge Members to get their amendments in to either myself or the Republican manager of this bill by this evening so we can move forward tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1432

Mr. KYL. Mr. President, taking the chairman up on her offer, let me speak on an amendment I got pending earlier today. It is amendment No. 1432. This is an amendment to strike an earmark in the bill. It is a $900,000 earmark for the city of Whitefish emergency operations center in Montana. That is all the amendment does. The amendment does the same thing the administration did in that it terminates a program that the Obama administration terminated in its budget. It is one of several projects that was terminated in the budget submission.

I do not strike the program because I agree or disagree with it. I think you could make an argument that it is a reasonable thing to do. I suspect my colleague from Montana will make that argument. That is not the point. As the administration pointed out, the point is there is a way to do these

projects and then there is a way not to do them. The way not to do them is through earmarks.

The Whitefish emergency operations center has not been subject to a congressional hearing, nor has it been authorized by Congress. Moreover, not only did the administration not request funding for the project, they specifically zeroed out the funding.

On the floor the day before yesterday—or maybe it was yesterday; I have forgotten now—my colleague Senator MCCAIN described several projects, including this project, and noted why it and other earmarks in the bill should not proceed.

He said: The earmarks are in the bill for one reason and one reason only, because of the selective prerogatives of a few Members of the Senate. Sadly, these Members chose to serve their own interests over those of the American taxpayers.

His point also was not that the project is either good or bad, but as the administration noted, there is a way to do it and a way not to do it that is fair to all of the States and to all of the Members, and that way is to have those subject to authorization and then appropriated.

Senator FEINGOLD also on the floor yesterday noted:

> While we all may not agree on the appropriateness of earmarking in general, I certainly hope we can agree that certain things should not be earmarked, including FEMA grant programs such as those that protect Americans from terrorist attack.

I think he is absolutely right, which is why I voted for his amendment earlier this afternoon. These are important projects. These are FEMA projects to protect the American people. Why should they be subject to the earmarking process rather than regular order? Again, that is exactly what the administration had earlier concluded.

I think it is wrong when we are funding projects with very scarce Federal dollars in the name of homeland security and the decision on what to fund is based on the influence of a Senator or a House Member rather than the security risk to Americans.

Especially at a time when unemployment has reached nearly 10 percent and many Americans are obviously hurting a great deal, is it appropriate for Congress to make funding decisions in this manner? Is this the message we want to be sending to our constituents: If you have political power, you can get money earmarked. If you do not, then your community is going to suffer. We are already spending $44.3 billion on this bill. That is $96 million above the President's request and 7 percent above last year's level. Those amounts are significant. And that increase does not include nearly $2.8 billion in stimulus funding.

Current budget projections indicate that we will add, on average, nearly $1 trillion a year to the public debt level from the $7 trillion to date, to $17 trillion in 2019. We have all heard the statistic before that the President's budget doubles the debt in 5 years, triples it in 10 years.

The President's administration said there are some things we should not fund in the way they are funded in this bill. All I am doing is agreeing with the administration not to add more debt on top of what has already been accumulated.

The path forward is not sustainable. I think the head of the OMB has made that point. So I think we need to start making tough decisions around here and we need to respect the congressional budget process. It seems to me the easiest way to make a tough budget decision is when, on a matter of process, we can all agree it is not the right way to proceed.

That is why I think this particular project, though the amount of money is relatively small, is still a good candidate to show we can make those tough decisions as a way of demonstrating to the American public that at least we are willing to start somewhere.

Finally, I will reiterate, I am not here to argue the merits of this project. I am sure my colleague from Montana will describe its merits in glowing terms. To me, that is not the point. The point is that the administration has said this emergency operations grant program should be terminated, it should not exist, we should not spend money on it because this is the wrong way to spend money.

In the document entitled ''Terminations, Reductions and Savings,'' in that volume of the President's fiscal year 2010 budget, the administration states:

> The Administration is proposing to eliminate the Emergency Operations Center (EOC) Grant Program in the 2010 Budget because the program's award allocations are not based on a risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

I think that rationale demonstrates why we need to support my amendment to eliminate this part. This is only one part of that grant program. But it is a part that I think would at least illustrate to the American people that we want to begin the process and spend this money in the right way.

I ask unanimous consent that the part of the budget designated ''Termination: Emergency Operations Center Grant Program,'' which describes what the administration has said, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. I understand that a little bit later we will be able to reach an agreement on voting on several of the amendments. This amendment presumably will be voted on sometime tomorrow. I would hope the proponents and opponents would have a minute each prior to the vote to reiterate their arguments and would hope my colleagues would support amendment No. 1432.

EXHIBIT 1

TERMINATION: EMERGENCY OPERATIONS CENTER GRANT PROGRAM

DEPARTMENT OF HOMELAND SECURITY

The Administration is proposing to eliminate the Emergency Operations Center (EOC) Grant Program in the 2010 Budget because the program's award allocations are not based on risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

FUNDING SUMMARY

[In millions of dollars]

	2009 Enacted	2010 Request	2010 Change from 2009
Budget Authority	35	0	−35

JUSTIFICATION

The 2008 EOC Grant Program was established to improve emergency management and preparedness capabilities for State and local communities by supporting flexible, sustainable, secure, and interoperable EOCs with a focus on addressing identified deficiencies and needs. However, this focus was compromised, and by 2009, 60 percent of the EOC grant funds were congressional earmarks not allocated by merit-based criteria.

The EOC Grant Program uses award criteria that are not risk-based, and the Administration supports a risk-based approach to homeland security grant awards. This is the best way to allocate resources in order to maximize security gains for the Nation.

In addition, in 2009, EOC construction and renovation was approved as an allowable expense under the Emergency Management Performance Grant Program, thus providing a more effective funding mechanism through which potential grantees prioritize expenditures on EOCs against other emergency management initiatives.

Mrs. MURRAY. Mr. President, I assure the Senator that we do intend to vote on this amendment tomorrow morning. There will be time prior to the vote. We will work out an agreement with the Senator on how much time.

The Senator from Montana is on his way to the floor right now to debate this amendment. I think the Senate has a right to listen to him.

I will say this, having been in the Senate for a long time, we respect other Senators and the knowledge they have about their States. And when they come and talk to one of our committees about a specific need, we listen to them and respect what they know.

I certainly know the Senator from Montana knows this area very well. He has visited it numerous times. He understands the deep concerns that face this region and knows exactly why they need an emergency operations center there. He made a very good argument to the subcommittee, and the subcommittee included it in our mark that is before the Senate today.

The Senator was out on the floor earlier today talking about the importance of having an emergency center located at Whitefish. I will tell all of my colleagues that it is easy to pick out one earmark because it is in someone else's State or region. I am not

from Montana, but I certainly respect the Senator from Montana when he tells me that Montana has suffered numerous natural disasters in recent years, including, I remember, a devastating fire at Glacier National Park.

I do not know all of the geography of this region, but do know that this emergency center in Whitefish, as the Senator from Montana talked to us about it, supports Glacier National Park. That is a national park that all of us have a responsibility for. It is next to an Indian reservation, and Federal land with Federal responsibility. When we talk about an emergency center that assures that we protect the assets of this Nation, I think the Senator from Montana is right in telling our subcommittee that an emergency center is needed there.

The EOCs respond to a lot more than terrorist threats. I remind all of my colleagues of fires, floods, earthquakes, tornados, hurricanes, and countless other disasters.

I notice that the Senator from Montana is on the floor and he can describe to all of us the importance of this EOC in his region.

Disasters happen anywhere in this country at any time, and our local communities have got to have the tools they need to be able to respond effectively, especially when they are next to national assets such as Glacier National Park and an Indian reservation that the Senator will describe to us. But I want to remind all of our colleagues that these so-called earmarks, congressional mandates that we put into these bills, are here because the Senator has come to the subcommittee, described it to us in detail, put them up on their Web sites, and everyone has an opportunity to look at them.

This subcommittee marked up in subcommittee and full committee and had an opportunity to listen to the Senator from Montana describe the need. We respected the wishes of an individual Senator and his understanding of why this emergency operations center was so badly needed in his State. In having the respect of other Senators, this Senate can do the will of the people.

The interesting thing I think all of us should recognize, in writing out where these are going to be, we actually have them in the light of day. They are held accountable. We do have votes on them. People are able to see them. If we just pass funds over to an agency, these decisions are made without any input from people who live in those States, who know the regions and who know the needs of their communities.

I respect the Senator from Montana when he comes to this subcommittee—and I know Senator BYRD, who chairs this subcommittee—when he goes to Senator BYRD and makes a case for what he has. Senator BYRD listens to everybody's requests and puts them into these bills. It is done so out of respect for that Senator and the knowledge of his State. I certainly believe the Senator from Montana has made the case. I urge our colleagues to reject this single-minded amendment that simply picks out one Senator's State and says we will not fund an EOC in their State.

I will oppose this amendment tomorrow when we vote on it.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator from Washington for her remarks. They were spot on. I had the opportunity to see part of Senator KYL's comments on TV, and I have a few responses. Then I wish to talk about the project.

First, Senator KYL said the EOC program was a target of the administration. His amendment is not taking away the program and zeroing it out. If that is his concern, that is what he should have done. It takes away this specific project.

The second point was about security. The fact is, the EOC program is to respond not only to terrorist activities, which I will get into in a minute, but to all hazards as they apply, natural and manmade.

Finally, fiscal responsibility was the third point. He said we can't afford this earmark. This amendment doesn't save one red cent. It moves it back to FEMA.

I spoke earlier today on the floor about this emergency operations center in Whitefish. I will reiterate some of those points. It is in the northwest part of the State, about 60 miles south of the Canadian border. People who deal with this Nation's security tell us the main threat on the northern border is terrorism. Immigration is the main threat on the southern border. This EOC facility will be located 60 miles south of the border, just west of Glacier National Park, which sits beside the Blackfeet Indian Reservation. To the north, to the west, and to the south of Whitefish are literally millions of acres of forested ground. Whether it is the potential—and I mean potential—that something may happen on the Canadian border that is bad, this center is there. Whether it is the potential of forest fires on Forest Service ground or in the park, this emergency operations center is there. It also houses police, fire, provides for interoperability for radios. It is very much needed.

Their current facility is in the basement. It is about a third the size they need. It is built on a fault line and a flood plain. The fact is, if we want to talk about the need for an emergency operations center in this country, there is no doubt the need is here.

I wish to talk about one other thing. The EOC program is just not for manmade disasters. It is for all disasters. We all know what beetle kill and disease and global warming has done to the forests, and the northwest of Montana is no exception.

This amendment picks on one specific area in one specific State. This picks on an area I happen to know very well. I have been up there several times. I was there last weekend, one of the many weekends I go home, which is every weekend. I was in Whitefish. This area is a good place for an emergency operations center. I am an elected official from the State. I have seen it with my own two eyes. I know what is necessary. We are going to take this away and give this money back to FEMA, to an appointed bureaucrat who probably maybe has been in the State of Montana, maybe not. Chances they have been in Whitefish are doubtful.

This is a good project. I am all for fighting waste. I am all for fighting pork. The fact that we are having this debate speaks to the fact that we have moved a long way in this body, as far as earmarks in the middle of the night plugged in and not having the opportunity to debate them. I will tell my colleagues this: This is a good project. It is a project that spends our taxpayer dollars wisely, and it will benefit the entire country when it is done. It is a project that is very much needed. There is no pork in this. This is about our country's security.

It is unfortunate I didn't have the opportunity to visit with the good Senator from Arizona while he was on the floor because, quite frankly, it may have changed his opinion. Maybe not. I don't know why he singled this project out for his amendment. He brought up the point that the administration took the EOC program, and it was a target of the administration. Then put up an amendment to zero it out. That is not what his amendment does. He talked about fiscal responsibility. This doesn't save a penny. The fact is, if we are talking about security, it is just not manmade terrorism, it is emergency hazards caused by Mother Nature. This facility will help address all those issues.

I appreciate the opportunity to speak to this issue. This is an unfortunate amendment, but we will vote on it and see what happens.

I thank the Senator from Washington for her leadership and support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. We will be voting on this amendment tomorrow morning. There will be time for debate on this amendment as well.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of S. 1298, the Department of Homeland Security Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides $42.9 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of $25.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $46.7 billion.

The bill includes $242 million in budget authority designated as being for overseas deployment and other activities for the Coast Guard. Pursuant to section 401(c)(4) of S. Con. Res. 13, the 2010, budget resolution, an adjustment to the 2010 discretionary spending limits and the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

The Senate-reported bill matches its section 302(b) allocation for budget authority and is $1 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1298, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

[Spending Comparisons—Senate-reported Bill (in millions of dollars)]

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority	1,582	41,345	42,927
Outlays	1,404	45,298	46,702
Senate 302(b) Allocation:			
Budget Authority	– – –	– – –	42,927
Outlays	– – –	– – –	46,703
House-Passed Bill:			
Budget Authority	1,553	41,064	42,617
Outlays	1,390	44,931	46,321
President's Request:			
Budget Authority	1,365	41,473	42,838
Outlays	1,219	45,079	46,298
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget Authority	– – –	– – –	0
Outlays	– – –	– – –	–1
House-Passed Bill:			
Budget Authority	29	281	310
Outlays	14	367	381
President's Request:			
Budget Authority	217	–128	89
Outlays	185	219	404

Note: Both House and Senate bills include $242 million in budget authority designated as being for overseas deployment and other activities for the Coast Guard.

MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent that the Senate proceed to morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

REMEMBERING ED THOMAS

Mr. GRASSLEY. Mr. President, I think I can be done in 10 minutes, but if I can't be, I would like to have a little bit longer because I am going to talk about a very good Iowan who was murdered 2 weeks ago today. This is the purpose for which I rise. This is coach Ed Thomas. I will get to that in a minute. But before I leave that up there for Senators to view, I wish to tell them, this is not any ordinary high school football coach. This is obviously an old picture because it only goes to 1998. He coached 37 years at this high school. It says here ''championship.'' I know he had a recent State championship as well. He is no ordinary high school football coach. Because in this small town of Parkersburg, IA, the high school is in two towns, Aplington-Parkersburg, IA. It only has 2,000 people in it. But this football coach has taken four of his former players now presently playing in the NFL. At least three and maybe all four of these returned to be pallbearers at his funeral.

We can see this record of the previous decade, and that record would be as good for the last decade. I am only sorry I don't have a more recent picture showing Ed Thomas.

Two weeks ago today, at 10:30 in the morning, a former student, a former football player and the brother of a football player who would have been playing this fall at this high school, came into the weight room at Parkersburg High School. This coach was always there because he wanted to encourage his players to work out and to be healthy. He was there with them. This former student came in and killed him with a gun. Didn't bother anybody else. That was it. He was rushed to the hospital but probably dead on arrival.

I say how outstanding he was and how well liked he was. About 12 months before that, a tornado went through Parkersburg destroying about a third of the town. This is a town of only 2,000. This coach had his house blown away, but he didn't worry about himself. He headed for his high school, which was also destroyed, to do immediately what he could to help turn things around.

I have prepared remarks where I will refer to this so colleagues will be hearing it twice. His goal from that Memorial Day weekend to the opening of the football season, the first Friday night in August, was to have that football field ready to go so they could play football as they have. They had a very outstanding season.

This is a person who led a community. He was not just a football coach. My home of 75 years is 10 miles from that high school. They were our competitors. There is very fierce competition between football teams in these small towns of the Midwest. I went Sunday afternoon. The viewing of the body was from 3 to 8. The next day the funeral had 2,500 people at it. But at the time—I get there at 3 o'clock—the line was 3 blocks long. I stood in line 3 hours to get to say my condolences to the family and to view. This family was so strong that they probably gave more comfort to the people who were there to view than each of us gave to the family.

Three hours, and I thought: How long is the line? By 6:30, the line was 4 blocks long. That family stood there until 11 o'clock that night to greet all the friends of this beloved Iowa coach.

With that as background, I came to the floor to give this statement. I thought I ought to put it in some context.

I come before the Senate with the heavy heart of an entire community and in humble recognition of a man who, by all accounts, was a servant of God in every sense, a person who put his faith to work by mentoring the young people of his community as a teacher and a football coach, a person who put his faith to work by providing a guiding hand as the community recovered from the tragedy of a tornado just a little over a year ago, a person who put his faith to work as a father, a husband, and an elder in the church.

Parenthetically, I wish to say this about the close-knit families we have in the small communities of Iowa. It happens that Coach Thomas and the family of the murderer go to the same church. The person who did the murdering had, I assume from the newspaper, a drug problem. The Sunday before the murder, so the newspapers tell me, the family of the person with the drug problem who did the murder asked in the church, would they pray for their son. Coach Ed Thomas led the prayer for that son, as it was reported in the newspaper.

It was barely a year ago when news reports came across the wires about a small Iowa farming town that was devastated by an F–5 tornado that tore across the community and leveled hundreds of homes and businesses—with eight people dying—the school and what locals call the Sacred Acre or, to the rest of us the famous Parkersburg Falcon football field.

Just last week, this same town was hit with possibly a more crushing blow than a tornado could ever take from a town. The caretaker of the Sacred Acre, the beloved football coach and town leader, Coach Ed Thomas, was senselessly murdered in front of his very own students.

In our area of the State, it is not hard to know Coach Thomas. He was a pillar of the community. His success on the football field made him an icon in his profession—two State championships and four players currently in the NFL. But the people who knew him will remember him most for his leadership off the field.

It was his leadership that helped pull up the community that was knocked off its feet by the F–5 tornado. His declaration in the aftermath of the tornado that the Aplington-Parkersburg boys would play football on their home field in just a couple months gave the town of Parkersburg, IA, purpose in the most difficult of times.

It was the Sacred Acre that brought everyone in town together, and it was the whole town that put the Sacred Acre back together so they could start the football season on time in that home game, the last Friday of August.

Coach Thomas and his Sacred Acre brought out the best in the community, just as he brought out the best in his team with what Coach Thomas called, ''strength in togetherness.''

His impact reached the people of this community long before that fateful day in May 2008. For nearly four decades, Coach Thomas led young men in more than just the game of football. He led

them in the lessons of life. His current and former players have been seen and heard everywhere—each of them now sharing lessons that will be passed on yet to another generation.

Most of us can remember that one coach or that one teacher who had the greatest impact on each of us. For many in the Parkersburg community, that one person was Coach Thomas.

He was well known for getting the best out of his players and students. He was always providing motivation to his kids. But those who knew Coach Thomas best say his No. 1 talent was friendship. His friend, Al Kerns, said:

He only saw the best in others, and I guess that's why he got all this back.

''This'' being the outpouring of compassion from people across Iowa. It may be best demonstrated by the scene in Parkersburg last week at the funeral. As the hearse traveled from the funeral to the nearby cemetery, the streets were lined four or five deep with myriads of color. It has been a true testament to the reach of this icon, not only because of the sheer numbers of people but the myriad of colors that came from high school football teams from all across Iowa that came in their game jerseys to honor a selfless man who shared his playbook as well as his heart.

The tributes made since that tragic morning show that even after his death, Ed Thomas is teaching us to be better people by the way he lived his life.

It has been obvious that his two sons have taken his life lessons to heart, just like many others. I continue to be struck by the poise of his sons who have performed the most monumental task by asking us to pray for the family of the man who killed their father. I cannot think of a greater tribute to their dad than the actions they have performed and the words they have spoken over the last 10 days. There is no question in my mind that these two young men possess the same qualities as their father and that these two boys will continue his legacy.

Aaron Thomas, the oldest of Ed and Jan's two boys, said this at the funeral. He actually said more than I am going to quote, but this is a very important part:

You can be sad the rest of the day, but come tomorrow, once you wake up, it's time to get going . . . there's a lot of work to be done in this town.

While this community's heart is heavy, they will move forward to see the brightness of another day and of another game, just as Coach Thomas would have wanted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, before I make my remarks, I want to express my appreciation to Senator GRASSLEY for his obviously passionate and compassionate remarks about a story and a man who has captured America. As Senator GRASSLEY knows, I have the privilege of visiting Iowa once or twice a year and have dear friends there, and I know how strong the people of Iowa are.

I want to tell Senator GRASSLEY, his remarks, his compassion, and his passion are appreciated, I am sure, not only by the family and all Iowans but all of us in America, as we share in the tragedy and loss of a great man. I commend him on his remarks.

TRIBUTE TO NEAL BOORTZ

Mr. ISAKSON. Mr. President, I rise for just a minute to talk about a gentleman who resides in my State, a man I have known for 40 years, and a man I, never in a million years, thought I would stand on the floor of the Senate and brag about. But today I did something I have never done. I voted on the Internet in relation to the National Radio Hall of Fame nominees for 2009 for a gentleman by the name of Neal Boortz.

Neal Boortz is a daytime talk show host in the city of Atlanta. He started in radio with Ring Radio in 1969, a little old 1,000-watt station in Brookhaven, GA. Now he is one of the leading talk show hosts in terms of audience in the United States of America.

He is syndicated on 230 different stations, has an audience of 5 million people, and calls himself the High Priest of the Church of the Painful Truth. I have to rise and tell you as a politician who has been both the victim and the beneficiary of any number of Neal's diatribes, he is exactly that. He is a man of the painful truth. He can find the facts on any issue. He can get to the core of the issue, and he can move communities to do good things and do the right thing.

I was delighted to hear that the National Radio Foundation has nominated him for this award, and I want to say today I voted for him because I sincerely hope he gets the recognition for three reasons: One is, while he is not always right, he is seldom in doubt. His passion for what he believes rubs off, and I think that is important.

Secondly, he loves to be challenged. Unlike so many you hear on the radio who want you to believe it is their way or the highway, he loves to share his own ideas. He has published three books. The first one, ''The Terrible Truth About Liberals,'' is on its sixth publishing. ''The FairTax Book,'' which he cowrote with a Georgia Congressman, JOHN LINDER, has been on the New York Times Best Seller list for a long period of time.

Right now, his most recent book—and that is, ''Somebody's Got to Say It,'' which he oftentimes does—is in its second printing and No. 2 on the New York Times Best Seller list.

But the best part of Neal Boortz is not the thousands he has influenced in over 40 years on the radio, his humor and his passion. It is not his longevity. It is the fact that he always gives back to his community and his State.

Just one shining example is his wife Donna, who, by the way, prides herself in saying she has never listened to 1 minute of Neal's radio show. But Neal donated the proceeds of his book sales to Donna for the establishment of a foundation, which she uses that money to help those less fortunate, those in need, and those on the cusp of doing great things who need a little encouragement and a little capitalization.

So as all of us have our opinions from time to time about talk radio or journalism or commentaries or those who may sometimes accuse us and sometimes praise us as politicians, I am delighted to stand on the floor of the Senate and praise a man from my State who for 40 years has given the best he has, who has fought for what he believed in but accepted being challenged, and who always tried to say and do the right thing for America and the right thing for our community.

It is my sincere hope when the voting ends on October 1, that millions of Americans will have gone to the poll on the Internet, radiohof.org, and cast their vote for Neal Boortz.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Illinois.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, we have all heard that America's health care system is in crisis. But all too often, Washington loses sight of what is truly at stake. Some talk constantly about how much reform will cost, but without action more and more hard-working Americans will lose coverage.

Soaring health care costs are increasing the burdens on the American people, American businesses, and our government. Today, our health care system stands on the brink of collapse.

Over the past 2 years, 3.5 million Illinois residents, nearly 31 percent of the under-65 population, have been without health care insurance at one time or another. How can we allow American citizens to live in fear that the next cough or fever would put them in the poorhouse? There is a better way.

Even for those who manage to stay insured amid the current climate of rapid increasing costs, the economic toll of paying for insurance can be crippling to middle-class families.

Over the past 9 years, insurance premiums have more than doubled. By 2016 the projected cost of insurance for a family of four in Illinois will top $25,000 a year, meaning for a median income family in my State, nearly half of their earnings would be spent for health insurance. Obviously, this would prove disastrous to people in Illinois and across the Nation.

The pressure of increasing premiums is hurting our economy from the business side as well. Small businesses in particular often cannot afford to provide care for their workers. In 2006 only 41 percent of Illinois businesses with less than 50 employees were able to

offer coverage. Over the next few years, an additional 19 percent of American small businesses may be forced to eliminate their coverage as well. But there is a better way.

From a government standpoint, we are currently spending 4 percent of the GDP on Medicare and Medicaid. By 2040, that number could reach 15 percent. This level of government spending would be unsustainable. There is a better way.

Meaningful reform could cut costs for families, save small businesses, and even help pay down the budget deficit.

Some still say the cost of reform is too high. But the choice is clear: We can invest in the right reform now, ensuring quality health care in the future and sustained cost reductions in the long term, or we can do nothing and watch as the cost of health care steadily increases until it drives our families—and our country—to financial ruin.

My colleagues and I have real solutions. We can ensure that every single American has access to quality, affordable health care. We can save money on administrative costs and put an end to coverage denials due to preexisting conditions. With a shift in our focus from what we refer to as ''sick care'' and toward preventive medicine, we can keep people healthier, bolster our economy, and we can save money. This is the better way.

I urge my colleagues to leave partisanship at the door and do what is right for the American people. We cannot afford to do any less.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Mr. President, I also understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

UNANIMOUS CONSENT AGREEMENT—S. 1390

Mr. REID. I ask unanimous consent that on Monday, July 13, after the pledge, prayer, and any leader remarks, the Senate proceed to the consideration of Calendar No. 89, S. 1390, the Department of Defense Authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—Continued

Mr. REID. Mr. President, I appreciate everyone's cooperation. As I have said on a number of occasions, it may not appear that a lot of work is being done, but we have committee action taking place, we have had a lot of work on health care today, and we have had energy meetings today involving six committee chairs.

We are trying to figure out how we can proceed in the next week. I appreciate everyone's patience.

What is the pending business?

The PRESIDING OFFICER. H.R. 2892.

Mr. REID. Is that the Homeland Security appropriations bill?

The PRESIDING OFFICER. Yes.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Byrd substitute amendment No. 1373 to H.R. 2892, the Homeland Security Appropriations Act for Fiscal Year 2010.

Harry Reid, Patty Murray, Jon Tester, Daniel K. Inouye, Kay R. Hagan, Tom Harkin, Bill Nelson, Mark R. Warner, Sheldon Whitehouse, Mark Begich, Frank R. Lautenberg, Ron Wyden, Barbara A. Mikulski, Barbara Boxer, Patrick J. Leahy, John D. Rockefeller, IV, Jack Reed.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2892, the Homeland Security Appropriations Act for Fiscal Year 2010.

Harry Reid, Barbara Boxer, Mark Udall, Jack Reed, Jon Tester, Jeanne Shaheen, Al Franken, Evan Bayh, Patrick J. Leahy, Richard J. Durbin, Carl Levin, Byron L. Dorgan, Daniel K. Inouye, Blanche L. Lincoln, Joseph I. Lieberman, Ron Wyden, Mary L. Landrieu.

Mr. REID. I ask unanimous consent that the mandatory quorum with respect to those cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that on Thursday, July 9, when the Senate resumes consideration of H.R. 2892, there be 10 minutes of debate prior to a vote in relation to the Kyl amendment No. 1432, with the time equally divided and controlled between Senators TESTER and KYL or their designees; that no amendment be in order to the amendment prior to a vote in relation thereto; that upon the use or yielding back of the time, the Senate proceed to vote in relation to amendment No. 1432.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

CLASHES IN CHINA

Mr. KAUFMAN. Mr. President, this week, bloody clashes have erupted between the minority Uighur community and the majority Han ethnic group in the Xinjiang region of western China. Reports indicate that the Chinese Government has responded with a heavy hand—deploying police and paramilitary troops, establishing a curfew, closing mosques, cutting off Internet and mobile phone access, and rounding up and arresting innocent civilians.

The state-controlled media reported that at least 156 Chinese citizens have been killed, more than 1,000 have been injured, and approximately 1,400 have been arrested since the clashes began earlier this week.

I am deeply concerned about ongoing tension in Xinjiang and believe the senseless loss of life, suppression of press freedom, and violations of basic human rights is unconscionable in China, and anywhere else in the world.

Today, I call on all parties to demonstrate restraint, end the violence, cease persecution of minorities, and protect fundamental human rights. I also call on the Chinese Government to open Internet and mobile phone access, end jamming of international broadcasting, and lift the grave and growing restrictions on the press.

We all know independent journalists have been censored for decades in China—a fact that is painfully evident as we try to understand how recent demonstrations metastasized into violence in western China.

According to the State Department Report on Human Rights for 2009, the Chinese Government has increased cultural and religious repression of ethnic minorities, including on the Muslim Uighurs. It appears that as ethnic tensions rose, members of the Uighur community took to the streets, resulting in an aggressive crackdown by the Chinese security forces on Sunday.

The exact circumstances by which violence transpired remains unclear, largely because the government censors information including the official number of casualties.

In what can only be described as questionable, these numbers have remained stagnant in the past two days

despite ongoing violence and civil unrest.

In recent years, the Chinese Government has demonstrated great efficiency in monitoring the Internet and restricting Web sites such as Facebook, My Space, Twitter, YouTube, blogs, and other outlets of information to monitor the free exchange of ideas among its people and the press.

It has also used advanced technology to jam international satellite and radio broadcasting including the U.S.-funded Voice of America and Radio Free Asia.

In Xinjiang specifically, it has shut down more than 50 Uighur language Internet forums, jammed Radio Free Asia's Uighur-language service, and cut off Internet and mobile phone access in the past week.

In fact, Li Zhi, a top Communist Party official in Urumqi, the capital of Xinjiang, Province, confirmed yesterday that the government cut off Internet access to the region.

Because of such limitations, the Han population now believes that the Uighurs are solely responsible for ongoing unrest, and such misperceptions have elevated the level of ethnic tension. By creating a vacuum of information in and out of Xinjiang, the Chinese Government has exacerbated the crisis.

While the casualty numbers remain uncertain, it is clear that recent developments have incurred an immeasurable human toll, including—but not limited to—the loss of innocent lives.

There have been pictures of children in hospitals, who have been forced to witness violence perpetrated against their parents. The Washington Post today reported emotional stories of women demanding the return of their missing husbands.

And the UK's Guardian reveals an image of an elderly woman on crutches standing defiantly in front of a police riot bus, an image which is eerily reminiscent of the bravery and defiance demonstrated 20 years ago in Tiananmen.

These glimpses of ongoing developments stir great empathy and anger, and it is essential that the whole story be told, among the international community and also within China. This is why I call on the Chinese Government to provide unimpeded press coverage and Internet access, allow journalists to report without restrictions. I condemn the continued repression of Uighurs and violence perpetrated against all innocent civilians in China and hope the ongoing unrest will soon be brought to an end.

BRITISH HEALTH CARE

Mr. KYL. Mr. President, a July 7, 2009, Wall Street Journal editorial ''Of NICE and Men'' describes the denial and delay of health care in Britain as a result of decisions by the British government's health care cost-containment board, the National Institute for Health and Clinical Excellence, NICE.

The article quotes the Guardian, which in 1998 reported, ''Health ministers are setting up [NICE], designed to ensure that every treatment, operation, or medicine used is the proven best. It will root out under-performing doctors and useless treatments, spreading best practices everywhere.''

Yet NICE routinely denies patients the very treatments and medications they need.

For example, according to the editorial, ''NICE ruled against the use of two drugs, Lapatinib and Sutent, that prolong the life of those with certain forms of breast and stomach cancer.''

Explaining the ruling against the use of a drug that would help terminally ill kidney-cancer patients, Peter Littlejohns, NICE's clinical public health director, said there is ''a limited pot of money.''

The editorial provides numerous other examples of drugs and treatments that are either denied or restricted in order to reduce costs.

And it explains how NICE has even assigned a mathematical formula for determining the maximum amount the government will spend to extend a life for 6 months.

President Obama has praised countries that spend less than the U.S. on health care, while saying we can spend less here too, even while adding tens of millions to a government-run health care program and improving the quality of care.

This editorial clearly and concisely outlines why this cannot be achieved and why, if President Obama's health care plan passes, the administration's new Council for Comparative Effectiveness Research could eventually gain the same authority to deny or delay treatments and care as Britain's NICE.

I ask unanimous consent that this article be printed in the RECORD, and urge my colleagues to consider the facts and arguments contained in this editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 7, 2009]

OF NICE AND MEN

Speaking to the American Medical Association last month, President Obama waxed enthusiastic about countries that ''spend less'' than the U.S. on health care. He's right that many countries do, but what he doesn't want to explain is how they ration care to do it.

Take the United Kingdom, which is often praised for spending as little as half as much per capita on health care as the U.S. Credit for this cost containment goes in large part to the National Institute for Health and Clinical Excellence, or NICE. Americans should understand how NICE works because under ObamaCare it will eventually be coming to a hospital near you.

* * *

The British officials who established NICE in the late 1990s pitched it as a body that would ensure that the government-run National Health System used ''best practices'' in medicine. As the Guardian reported in 1998: ''Health ministers are setting up [NICE], designed to ensure that every treatment, operation, or medicine used is the proven best. It will root out under-performing doctors and useless treatments, spreading best practices everywhere.''

What NICE has become in practice is a rationing board. As health costs have exploded in Britain as in most developed countries, NICE has become the heavy that reduces spending by limiting the treatments that 61 million citizens are allowed to receive through the NHS. For example:

In March, NICE ruled against the use of two drugs, Lapatinib and Sutent, that prolong the life of those with certain forms of breast and stomach cancer. This followed on a 2008 ruling against drugs—including Sutent, which costs about $50,000—that would help terminally ill kidney-cancer patients. After last year's ruling, Peter Littlejohns, NICE's clinical and public health director, noted that ''there is a limited pot of money,'' that the drugs were of ''marginal benefit at quite often an extreme cost,'' and the money might be better spent elsewhere.

In 2007, the board restricted access to two drugs for macular degeneration, a cause of blindness. The drug Macugen was blocked outright. The other, Lucentis, was limited to a particular category of individuals with the disease, restricting it to about one in five sufferers. Even then, the drug was only approved for use in one eye, meaning those lucky enough to get it would still go blind in the other. As Andrew Dillon, the chief executive of NICE, explained at the time: ''When treatments are very expensive, we have to use them where they give the most benefit to patients.''

NICE has limited the use of Alzheimer's drugs, including Aricept, for patients in the early stages of the disease. Doctors in the U.K. argued vociferously that the most effective way to slow the progress of the disease is to give drugs at the first sign of dementia. NICE ruled the drugs were not ''cost effective'' in early stages.

Other NICE rulings include the rejection of Kineret, a drug for rheumatoid arthritis; Avonex, which reduces the relapse rate in patients with multiple sclerosis; and lenalidomide, which fights multiple myeloma. Private U.S. insurers often cover all, or at least portions, of the cost of many of these NICE-denied drugs.

NICE has also produced guidance that restrains certain surgical operations and treatments. NICE has restrictions on fertility treatments, as well as on procedures for back pain, including surgeries and steroid injections. The U.K. has recently been absorbed by the cases of several young women who developed cervical cancer after being denied pap smears by a related health authority, the Cervical Screening Programme, which in order to reduce government healthcare spending has refused the screens to women under age 25.

We could go on. NICE is the target of frequent protests and lawsuits, and at times under political pressure has reversed or watered-down its rulings. But it has by now established the principle that the only way to control health-care costs is for this panel of medical high priests to dictate limits on certain kinds of care to certain classes of patients.

The NICE board even has a mathematical formula for doing so, based on a ''quality adjusted life year.'' While the guidelines are complex, NICE currently holds that, except in unusual cases, Britain cannot afford to spend more than about $22,000 to extend a life by six months. Why $22,000? It seems to be arbitrary, calculated mainly based on how much the government wants to spend on health care. That figure has remained fairly constant since NICE was established and doesn't adjust for either overall or medical inflation.

Proponents argue that such cost-benefit analysis has to figure into health-care decisions, and that any medical system rations care in some way. And it is true that U.S. private insurers also deny reimbursement for some kinds of care. The core issue is whether those decisions are going to be dictated by the brute force of politics (NICE) or by prices (a private insurance system).

The last six months of life are a particularly difficult moral issue because that is when most health-care spending occurs. But who would you rather have making decisions about whether a treatment is worth the price—the combination of you, your doctor and a private insurer, or a government board that cuts everyone off at $22,000?

One virtue of a private system is that competition allows choice and experimentation. To take an example from one of our recent editorials, Medicare today refuses to reimburse for the new, less invasive preventive treatment known as a virtual colonoscopy, but such private insurers as Cigna and United Healthcare do. As clinical evidence accumulates on the virtual colonoscopy, doctors and insurers will be able to adjust their practices accordingly. NICE merely issues orders, and patients have little recourse.

This has medical consequences. The Concord study published in 2008 showed that cancer survival rates in Britain are among the worst in Europe. Five-year survival rates among U.S. cancer patients are also significantly higher than in Europe: 84% vs. 73% for breast cancer, 92% vs. 57% for prostate cancer. While there is more than one reason for this difference, surely one is medical innovation and the greater U.S. willingness to reimburse for it.

* * *

The NICE precedent also undercuts the Obama Administration's argument that vast health savings can be gleaned simply by automating health records or squeezing out ''waste.'' Britain has tried all of that but ultimately has concluded that it can only rein in costs by limiting care. The logic of a health-care system dominated by government is that it always ends up with some version of a NICE board that makes these life-or-death treatment decisions. The Administration's new Council for Comparative Effectiveness Research currently lacks the authority of NICE. But over time, if the Obama plan passes and taxpayer costs inevitably soar, it could quickly gain it.

Mr. Obama and Democrats claim they can expand subsidies for tens of millions of Americans, while saving money and improving the quality of care. It can't possibly be done. The inevitable result of their plan will be some version of a NICE board that will tell millions of Americans that they are too young, or too old, or too sick to be worth paying to care for.

CRISIS IN HONDURAS

Mr. LEAHY. Mr. President, I want to speak briefly about the current political crisis in Honduras. Vermont and Honduras have had a long, close relationship through the Partners of the Americas, and many Vermonters regularly travel to Honduras to engage in health care and other humanitarian and development work in rural communities.

Last week a lawfully elected President—Manuel Zelaya—was forcibly removed from office and flown to a neighboring country by the Honduran military. The military and the Supreme Court apparently believed that President Zelaya was acting in a manner that was contrary to the Honduran Constitution. While such an accusation is troubling, military coups cannot be condoned, particularly when Honduras' Constitution contains provisions to handle such concerns—impeachment, for one.

The sooner the Honduran military reverses course and allows President Zelaya to return the better it will be for Honduras and all of Central America. He has pledged to leave office at the end of his term, unlike other Latin American leaders who seem to believe constitutions are to be amended with the stroke of a pen so they can remain in office. When President Zelaya returns, if there is credible evidence that he broke laws, he should be held accountable in accordance with the laws of the country.

While I condemn the actions of the Honduran military, I applaud the efforts of the Organization of American States, with the support of the Obama administration, to defuse this situation diplomatically. Removing Honduras' membership and beginning to impose sanctions in concert with widespread international condemnation is the appropriate response.

We should also recognize that the people of Honduras appear to be deeply divided over President Zelaya. Rural Hondurans in particular have been dissatisfied with his performance as President. When he returns to office I hope he reconsiders his priorities and focuses his efforts on improving the lives of the people of Honduras who are most in need of the government's assistance.

HOSPITAL QUALITY REPORT CARD ACT

Mr. JOHANNS. Mr. President, I wish to speak to the Department of Veterans Affairs Hospital Quality Report Card Act of 2009.

One of my proudest jobs in the Senate is serving on the Senate Committee on Veterans' Affairs. Among its other roles, this committee provides oversight of VA health facilities, working with information from the VA, its Inspector General, Veterans Service Organizations, and the general public. We work with a lot of information—it is, after all, our committee's job. But sifting through a pile of reports to find the best hospitals should not be a full time job for those who need health care. This bill will help ensure that it is not.

Not later than 18 months after the date of enactment of this bill, the VA would be mandated to establish a Hospital Quality Report Card Initiative. Under the Initiative, the Secretary would be required to publish reports on the VA's hospitals which assess health care effectiveness, safety, timeliness, efficiency, patient-centeredness, satisfaction of patients and health professionals, and care equity. These factors would be assessed as letter grades, to ensure that the results of these reports are not swabbed over with bureaucratic jargon.

In collecting and reporting this data, the Secretary would have to include extensive and detailed patient-centered information such as staffing levels of nurses, rates of infections contracted at VA hospitals, volume of various procedures performed, hospital sanctions and other violations, the availability of emergency rooms, the quality of care in various hospital settings, and additional measures determined appropriate by the VA Secretary. Each report submitted under the Initiative would have to be available in electronic and hard copy formats, in an understandable manner, and allow for a comparison of the individual VA hospital quality with local or regional hospitals.

The bill would further mandate that the Secretary institute quality control measures to identify potential data irregularities that would lead to artificial improvements in the hospital's quality measurements. In addition, the Secretary would need to evaluate and periodically report to Congress—and the public—on the effectiveness of this Initiative.

I believe that our veterans should easily be able to identify the best hospitals around them. It is unconscionable to make often elderly and disabled veterans wade through pages of statistical data in order to assure themselves that their local VA health facility is providing the best care possible. Often, the factors veterans care about such as the wait times for appointments and medical attention—are not measured reliably or presented to veterans in an accessible or usable fashion. I want to change that. Information on health facilities should not be a privilege; it should be an obligation for the Department of Veterans Affairs. This legislation is a positive step in the right direction.

I encourage my colleagues to cosponsor this commonsense legislation.

COMMENDING ARNOLD PALMER

Mr. CASEY. Mr. President, today, I honor one of the great sports legends of all time, Arnold Palmer. Not only is Arnold Palmer a world-class athlete, he is a generous philanthropist and devoted husband, father, and grandfather. This son of Latrobe, PA, changed the game of golf, both how it is played and how it is appreciated, forever.

Mr. Palmer learned how to play golf when he was merely 4 years old, playing with clubs his father had cut down for him at Latrobe Country Club. His talent emerged visibly at an early age, and he was soon able to outplay children far older than him. He began to caddy when he was 11 years old and later held almost every job at the country club. In his late teens, he also served as a member of the U.S. Coast Guard.

His seven major career victories make Mr. Palmer one of the greatest golfers of all time. He won the Masters Tournament four times in 1958, 1960,

1962, and 1964; the U.S. Open in 1960 and the British Open in 1961 and 1962. He twice represented the United States in the Ryder Cup Match, including serving as captain of the victorious American team in 1963.

In 1997, he successfully battled prostate cancer and is a champion of programs supporting cancer research and early detection. In addition to the numerous charities he supports, Mr. Palmer led a fundraising drive creating the Arnold Palmer Hospital for Children in Orlando and the Latrobe Area Hospital Charitable Foundation.

Mr. Palmer has led by example in kindness, good sportsmanship, and generosity. Today, along with my colleagues, I ask Congress to award Mr. Palmer a gold medal in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

ADDITIONAL STATEMENTS

REMEMBERING JOHANNA JUSTIN-JINICH

• Mr. BENNET. Mr. President, on Wednesday, May 6, 2009, Johanna Justin-Jinich, a resident of Timnath, CO, was senselessly murdered in Middletown, CT. Johanna was a member of the Class of 2010 at Wesleyan University—my alma mater. Faculty and students alike describe a vibrant, intelligent, creative, and compassionate young woman. A young woman whose short life was full of exuberance and study—and public service. Johanna's friends note that her warmth, passion, and dedication to those she loved that defined her life to the very end. And these qualities are what they will miss the most.

Johanna's family and her friends have suffered an unspeakable loss and will no doubt continue to grieve for the loss of someone so compassionate, so dedicated, and so giving. Wesleyan University and the town of Timnath have witnessed the passing of one too young and with so much potential to serve the public good. She was particularly committed to helping women gain access to proper health care and resources, regardless of their means. Johanna's concern for public health can be traced back to her family. Her maternal grandmother, a Holocaust survivor, was a doctor, as are both of her parents.

As Wesleyan's president, Michael Roth, said ''We return to the rhythms of our campus lives with the memory of our loss still very fresh. We turn again, and we remember. May Johanna's memory be a blessing to us all.''•

COMMENDING CUSTOM CORDAGE, LLC

• Ms. SNOWE. Mr. President, today I recognize the contributions of a tremendously innovative small business from my home State of Maine—Custom Cordage, LLC—that has taken on the mission of helping lobstermen dispose of their old, unusable rope by transforming it into charming gifts.

When Maine lobstermen went to set their traps this spring, they first had to replace the rope they used to connect one lobster trap to another as the result of a new regulation banning the use of traditional floating rope. It requires lobster pots to be linked with sink-rope, the goal being to reduce the risk of entangling whales. Regrettably, Maine's lobstermen face a financial burden as the new sink-rope can cost twice as much as float-rope and is far more expensive to maintain. Additionally, the new regulation threatened to result in hundreds of thousands of pounds of unusable rope clogging local landfills.

Aware of this mounting problem for Maine's lobstermen, David Bird, owner of Custom Cordage, a Waldoboro company that manufactures a variety of rope, cord, and similar products, decided last summer to begin making doormats out of retired float-rope. This colorful float-rope is uniquely weathered by seasons of use and exposure to salt water, producing a distinctive and lasting gift. Previously, the repurchased float-rope was melted and reformed as cheap plastic pots for plants. Now, the float-rope is beginning to grace the front doors of houses across the country in the form of high-quality, handwoven doormats.

Mr. Bird's creative and novel idea has caught the Nation's attention quickly. His company produces roughly 40 mats each day, and customers from across the Nation purchase over a thousand mats per month! An exceptional product, these vivid doormats were recently acknowledged as the ''Best New Product'' at this year's New England Products Trade Show in Portland.

Maine's lobster industry, comprised of more than 7,000 owner-operated small businesses, is a pillar of Maine's fishing industry and of our State's economy. Thanks to the forward-looking actions of Mr. Bird, lobstermen can more effectively offset the cost of upgrading to sink-rope, and the old float-rope can be kept out of local landfills. My sincerest thanks to Mr. Bird and everyone at Custom Cordage for their devotion to building forward-thinking small businesses that help our environment, our lobstermen, and our local economy. I wish them all success with this and future endeavors.•

COMMENDING MAINE FLOAT-ROPE COMPANY

• Ms. SNOWE. Mr. President, today I recognize the contributions of a tremendously innovative small business from my home State of Maine—the Maine Float-Rope Company—that has taken on the mission of helping lobstermen dispose of their old, unusable rope by transforming it into charming gifts.

When Maine lobstermen went to set their traps this spring, they first had to replace the rope they used to connect one lobster trap to another as the result of a new regulation banning the use of traditional floating rope. It requires lobster pots to be linked with sink-rope, the goal being to reduce the risk of entangling whales. Regrettably, Maine's lobstermen face a financial burden as the new sink-rope can cost twice as much as float-rope and is far more expensive to maintain. Additionally, the new regulation threatened to result in hundreds of thousands of pounds of unusable rope clogging local landfills.

Seeking to keep the old rope out of landfills, Penny Johnston, a sales and marketing specialist, established the Waldoboro-based Maine Float-Rope Company in April of this year. Her goal was to ramp up sale of the resourceful doormats that a local company, Custom Cordage, began creating last summer out of retired float-rope. Specifically, her company sells the attractive and durable Down East Doormats that are constructed using the colorful float-rope that is uniquely weathered by seasons of use and exposure to salt water. Previously, the repurchased float-rope was melted and reformed as cheap plastic pots for plants. Now, the float-rope is beginning to grace the front doors of houses across the country in the form of high-quality, handwoven doormats. In fact, since Ms. Johnston's involvement, sales have skyrocketed, with Maine Float-Rope selling over a thousand mats per month!

In addition, Maine Float-Rope donates a percentage of its profits to organizations that support the vitality of lobstermen, the protection of North Atlantic right whales, and a host of groups that advocate for environmentally sound practices. An exceptional product, the vivid Down East Doormat was recently acknowledged as the ''Best New Product'' at this year's New England Products Trade Show in Portland.

Ms. Johnston, who calls herself a ''green entrepreneur,'' has a successful record of starting businesses based on creative uses of old and recycled material. Prior to founding the Maine Float-Rope Company, Ms. Johnston started The Maine Barn Furniture Company, which took wood from old, dilapidated barns and used it to make handsome tables. She also started Historic Hardscapes, a unique business that reclaims and reuses old hand-cut granite from abandoned farmlands and quarries across the State. Down East Doormats are one more example of how Ms. Johnston finds innovative ways to turn what others would simply discard into high-quality products.

Maine's lobster industry, comprised of more than 7,000 owner-operated small businesses, is a pillar of Maine's fishing industry and of our State's economy. Thanks to the actions of Ms. Johnston, lobstermen can more effectively offset the cost of upgrading to

sink-rope, and the old float-rope can be kept out of local landfills. My sincerest thanks to Ms. Johnston and everyone at the Maine Float-Rope Company for their devotion to building forward-thinking small businesses that help our environment, our lobstermen, and our local economy. I wish them all success with this and future ''green entrepreneurial'' endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1129. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

H.R. 3114. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 135. Concurrent resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1129. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans; to the Committee on Indian Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2241. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of April 15, 2009, through June 15, 2009; to the Committee on Armed Services.

EC–2242. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to recruitment incentives; to the Committee on Armed Services.

EC–2243. A communication from the Acting Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities in Fiscal Year 2008; to the Committee on Armed Services.

EC–2244. A communication from the Chief Operating Officer, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bank Enterprise Award Program: Interim Rule with Request for Comment'' (RIN1505–AA91) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2245. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Prior Approval for Enterprise Products; Interim Final Rule'' (RIN2590–AA17) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2246. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Assessment of Fees'' (RIN1557–AD06) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2247. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Guidelines—Money Market Mutual Funds'' (RIN1557–AD15) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2248. A communication from the President of the United States, transmitting, pursuant to law, notification of an Executive order waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–2249. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the Emergency Steel Loan Guarantee Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–2250. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of an Executive order waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–2251. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Banking, Housing, and Urban Affairs.

EC–2252. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2253. A communication from the Vice President and Controller, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2254. A communication from the President, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2255. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2256. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Foreign Relations.

EC–2257. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0082—2009–0087); to the Committee on Foreign Relations.

EC–2258. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2259. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Employee Contribution Elections and Contribution Allocations'' (5 CFR Part 1600) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2260. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a report entitled, ''Annual Report to the Congress on the Information Sharing Environment''; to the Select Committee on Intelligence.

EC–2261. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to designating new High Intensity Drug Trafficking Areas in thirteen counties in eight states; to the Committee on the Judiciary.

EC–2262. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the 2009 annual report on the Technology Transfer Program; to the Committee on the Judiciary.

EC–2263. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''July 2009 Revision of Patent Cooperation Treaty Procedures''

(RIN0651–AC34) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on the Judiciary.

EC–2264. A communication from the Deputy General Counsel, Office of Capital Access, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''American Recovery and Reinvestment Act: America's Recovery Capital (Business Stabilization) Loan Program'' (RIN3245–AF93) as received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2009; to the Committee on Small Business and Entrepreneurship.

EC–2265. A communication from the Deputy General Counsel, Office of Capital Access, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Temporary Alternative Size Standards for 7(a) Business Loan Program'' (RIN3245–AF96) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Small Business and Entrepreneurship.

EC–2266. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Naval Training, San Clemente Island, California'' ((RIN1625–AA00)(Docket No. USG–2009–0455)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2267. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Target Fireworks, Detroit River, Detroit, Michigan'' ((RIN1625–AA00)(Docket No. USG–2009–0483)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2268. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Harborfest 2009, Parade of Sail, Elizabeth River, Norfolk, Virginia'' ((RIN1625–AA00)(Docket No. USG–2009–0405)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2269. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Diego Symphony, San Diego, California'' ((RIN1625–AA00)(Docket No. USG–2009–0345)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2270. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Recurring Marine Events in the Fifth Coast Guard District'' ((RIN1625–AA08)(Docket No. USG–2009–0430)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2271. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, Maryland'' ((RIN1625–AA11)(Docket No. USG–2008–1119)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2272. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Connection Slough, Bacon Island, California'' ((RIN1625–AA09)(Docket No. USG–2008–1141)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2273. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation: Pamunkey River, West Point, Virginia'' ((RIN1625–AA09)(Docket No. USG–2008–1175)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2274. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Raritan River, Arthur Kill and their tributaries, Staten Island, New York and Elizabeth, New Jersey'' ((RIN1625–AA09)(Docket No. USG–2009–0202)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2275. A communication from the Regulatory Specialist, Legislative and Regulatory, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act'' (RIN1557–AC89) received in the Office of the President of the Senate on July 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2276. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Recovery Act National Institute of Standards and Technology Construction Grant Program'' (RIN0693–ZA88) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2277. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Recovery Act Measurement Science and Engineering Research Grant Program'' (RIN0693–ZA86) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2278. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Recovery Act Measurement Science and Engineering Research Fellowship'' (RIN0693–ZA87) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2279. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Buffalo, Iola, Normangee, and Madisonville, Texas)'' (MB Docket No. 07–279, RM–11411, 1142, 1143) received in the Office of the President of the Senate on July 6, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2280. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mount Enterprise, Texas)'' (MB Docket No. 08–226) received in the Office of the President of the Senate on Jul 6, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2281. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Professional Research Experience Program; Availability of Funds'' (RIN0693–ZA90) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

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 (Rept. No. 111–41).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. KERRY for the Committee on Foreign Relations.

*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.

*Philip L. Verveer, of the District of Columbia, 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.

*Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

*Maria Otero, of the District of Columbia, to be an Under Secretary of State (Democracy and Global Affairs).

*Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Christopher William Dell.

Post: Kosovo.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Christiana Dell, none; Boyan Levchev, none.

4. Parents: William R. Dell—deceased; Ruth W. Dell, none.

5. Grandparents: All deceased at least 10 years; William H. and Frieda Dell, Martin and Mary Weidemann.

6. Brothers and Spouses: Tracey and Kathleen Dell, $100 2008 Barack Obama; Kenneth Dell, $100, 2008 Hillary Clinton PAC, $300, 2008 Barack Obama; Scott and Annie Dell, none.

7. Sisters and Spouses: none.

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*Charles H. Rivkin, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Monaco.

Nominee: Charles H. Rivkin

Post: U.S. Ambassador to France and Monaco

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Charles Rivkin: Feinstein for Senate, $1,000, 02/23/2005, Diane Feinstein; Matt Brown for U.S. Senate, $1,000, 03/31/2005, Mathew A. Brown; Campaign for Our Country, $5,000, 05/12/2005; Matt Brown for U.S. Senate, $500, 03/08/2006, Mathew A. Brown; Dan Seals for Congress, $800, 09/12/2006, Daniel Joseph Seals; John Kerry for Senate, $1,542, 09/18/2006, John F. Kerry; DNC Services Corp, $1,000, 10/24/2006, DNC; Obama for America, $2,100, 02/23/2007, Barack Obama; Friends of Dick Durbin, $2,300, 05/25/2007, Richard J. Durbin; John Kerry for Senate, $757, 06/05/2007, John F. Kerry; John Kerry for Senate, $1,542, 06/05/2007, John F. Kerry; L.A. PAC $5,000, 08/23/2007; Obama for America, $200, 08/31/2007, Barack Obama; Tom Allen for Senate, $500, 10/01/2007, Thomas H. Allen; Jeff Merkley for Oregon, $2,000, 10/29/2007, Jeffrey Merkley; Iowa Democractic Party, $2,500, 10/31/2007; New Hampshire Dem. Party, $1,000, 12/19/2007; Al Franken for Senate, $2,300, 04/30/2008, Al Franken; Udall for Colorado $2,300, 06/24/2008, Mark E. Udall; Reed Committee, $2,300, 06/30/2008, Jack Reed; Hilary Clinton for President, $2,300, 07/14/2008, Hillary Clinton; Obama Victory Fund, $2,300, 07/30/2008, Barack Obama; Committee for Change, $5,000, 10/21/2008; Michigan Dem. State Comm, $489, 10/21/2008; Missouri Dem. State Comm, $329, 10/21/2008; Georgia Federal Elections Comm, 347, 12/31/2008; Indiana Dem. Victory Com, $323, 12/31/2008.

2. Spouse: Susan Tolson: Obama for America, $2,300, 03/31/2007, Barack Obama; Rudy Giuliani Presidential Committee, $2,300, 05/21/2007, Rudy Giuliani; John Kerry for Senate, $2,300, 06/05/2007, John F. Kerry; Hillary Clinton for President, $2,300, 07/14/2008, Hillary Clinton.

3. Children: William Elias Rivkin, None; Lily Alexandra Rivkin, none.

4. Parents: William Robert Rivkin, deceased; Enid Hammerman Long, deceased.

Step Parents: Dr. John S. Long, none found; Barbara Vanton Long, Obama for America, $2,300, 09/05/2007, Barack Obama.

5. Grandparents: Sol Hammerman, Deceased; Celia Hammerman, Deceased; Sam Rivkin, Deceased; Florence Rivkin, Deceased.

6. Brothers and Spouses: Brother: Robert S. Rivkin, Obama for Illinois, Inc., $1,000, 05/17/2005, Barack Obama; AON Corporation PAC, $480, 06/30/2006; AON Corporation PAC, $480, 09/30/2006; Friends of Dick Durbin Comm., $500, 10/19/2006, Richard J. Durbin; Obama for America, $2,100, 01/16/2007, Barack Obama; Obama for America, $200, 02/09/2007, Barack Obama; AON Corporation PAC, $480, 03/31/2007; AON Corporation PAC, $480, 06/30/2007; Melissa Bean for Congress, $500, 09/28/2007, Melissa L. Bean; AON Corporation PAC, $480, 09/30/2007; AON Corporation PAC, $480, 12/31/2007; Obama for America, $2,300, 09/25/2008, Barack Obama; Friends of Scott Harper, $250, 10/29/2008, Scott Harper.

Sister-in-law: Cindy Moelis, Hopefund, Inc., $1,000, 02/07/2006; Friends of Tammy Duckworth, $250, 10/20/2006; Obama for America, $2,100, 01/16/2007; Obama for America, $200, 02/09/2007; Obama for America, $351, 12/31/2007; Obama for America, $(351), 12/31/2007; Obama for America, $351, 12/31/2007; Obama for America, $1,800, 07/31/2008; Obama for America, $(1,800), 07/31/2008; Obama for America, $1,800, 07/31/2008; Obama for America, $(45), 09/30/2008.

7. Sisters and Spouses: Sister: Julie Wheeler, none; Brother-in-law: Daniel Wheeler, Obama for America, $500, 02/23/2007.

Sister: Laurie Ledford, none.

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*Louis B. Susman, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Nominee: Louis Susman.

POST: Ambassador to the United Kingdom and Northern Ireland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $250, 2/16/2009, Mike Quigley; $500, 10/15/2008, William G. Foster; $5,000, 09/29/2008, TOM PAC, $5,000, 09/14/2008, Obama Transition Project (section 501(c)(4) organization); $30,800, 07/25/2008, Obama Victory Fund (joint fundraising committee) Proceeds allocated as follows: 2,200, 07/31/2008, Obama for America; 28,600, 07/25/2008, DNC*; $2,000, 07/17/2008, John Yarmuth; $28,500, 3/25/2008, Senate Victory 2008 (joint fundraising committee) Proceeds allocated as follows: $1,300, 6/30/2008, Jeanne Shaheen, $2,300, 6/30/2008, Jeanne Shaheen, $2,300, 6/27/2008, Mark Udall, $2,300, 6/27/2008, Mark Udhall, $20,030, 3/25/2008, DSCC; $1,000, 6/06/2008, Patrick Murphy; $300, 06/02/2008, Joseph R. Biden (Senate); $700, 06/02/2008, Joseph R. Biden (Senate); $1,000, 03/31/2008, Dan Seals; $2,300, 03/31/2008, Thomas R. Harkin*; $1,000, 03/31/2008, Deborah Halvorson; $1,000, 03/31/2008, Dan Maffei; $1,000, 03/18/2007, Mary Landrieu; $250, 01/22/2008, Kay Barnes; $1,000, 12/31/2007, Jeanne Shaheen; $2,300, 12/26/2007, Tom Udall; $2,300, 12/26/2007, Tom Udall; $1,000, 12/19/2007, Tim Johnson; $2,000, 12/12/2007, Mark Warner; $2,300, 10/22/2007, John F. Kerry; $1,000, 09/29/2007, Nicola Tsongas; $1,000, 08/14/2007, Joseph R. Biden (President); $2,300, 06/27/2007, Richard J. Durbin*; $1,000, 05/30/2007, Jay Rockefeller; $1,000, 05/04/2007, Carl Levin; $2,300, 05/02/2007, Richard J. Durbin*; $2,300, 04/27/2007, Thomas R. Harkin; $300, 04/25/2007, Obama for America*; $2,000 04/19/2007, Hillary Clinton (President); $5,000, 03/27/2007, DSCC; $10,000, 03/23/2007, DCCC; $2,000, 03/23/2007, Jack F. Reed; $2,100, 03/23/2007, Obama for America; $2,100, 01/16/2007, Hopefund, Inc.*; $2,100, 12/01/2006, Thomas J. Vilsack; $1,000, 11/09/2006, Tammy Duckworth, $1,000, 11/08/2006, Christopher J. Dodd; $1,000, 11/08/2006, Christopher J. Dodd; $1,000, 10/23/2006, Amy Klobuchar; $1,000, 10/16/2006, Debbie Stabenow; $1,000, 09/29/2006, John Tester; $1,000, 08/21/2006, Sheldon Whitehouse; $500, 07/13/2006, John Yarmuth; $1,000, 06/30/2006, Dan Seals; $1,000, 06/30/2006, Amy Klobuchar; $2,000, 06/11/2006, Harold Ford Jr.; $2,000, 06/11/2006, Harold Ford Jr.; $1,000, 01/06/2006, Tammy Duckworth; $1,900, 06/09/2005, Kent Conrad; $5,000, 05/27/2005, CHRIS PAC, $2,000, 04/29/2005, Kent Conrad; $1,000, 04/25/2006, Tammy Duckworth; $25,000, 03/31/2006, DSCC; $2,000, 11/18/2005, Joseph R. Biden; $2,100, 09/30/2005, Claire McCaskill; $2,100 09/30/2005, Claire McCaskill; $2,000, 08/16/2005, Hillary Clinton; $5,000, 06/21/2005, Campaign for our Country; $1,900, 03/28/2005, Edward M. Kennedy; $2,100, 03/28/2005, Edward M. Kennedy; $10,000, 3/17/2005, DCCC; $10,000, 03/08/2005, DSCC; $10,000, –02/28/2005, DCCC; $1,000, 01/20/2005, Maria Cantwell.

2. *Louis Susman Refunds: $3,030, 5/7/2009, DNC; $4,600, 5/6/2009, Richard J. Durbin; $2,000, 5/6/2009, Thomas R. Harkin; $100, 11/21/2008, DNC; $363, 8/1/2007, Obama for America; $2,100, 1/23/2007, Hopefund, Inc.

3. Spouse: Marjorie Susman: $10,000, 10/24/2008, Committee for Change; $2,000, 10/24/2008, Barack Obama; $2,000, 10/16/2008, Obama Victory Fund; $2,300, 9/26/2008, Jeanne Shaheen; $2,300, 07/23/2008, Mark E. Udall; $2,300, 07/23/2008, Mark E. Udall; $2,300, 03/31/2008, Thomas R. Harkin; $200, 12/15/2007, Barack Obama; $2,300, 12/26/2007, Tom Udall; $2,300, 12/26/2007, Tom Udall; $2,300, 10/22/2007, John F. Kerry; $2,300, 06/27/2007, Richard J. Durbin; $2,300, 4/30/2007, Richard J. Durbin; $2,300, 04/23/2007, Thomas R. Harkin; $300, 4/09/2007, Barack Obama; $2,000, 03/23/2007, Jack F. Reed; $2,100, 01/19/2007, Barack Obama; $2,100, 01/16/2007, Hopefund, Inc.; $2,100, 12/05/2006, Thomas J. Vilsack; $2,000, 10/23/2006, Amy J. Klobuchar; $2,100, 11/14/2005, Robert P. Casey Jr.; $2,100, 01/11/2006, Claire McCaskill; $2,100, 01/11/2006, Claire McCaskill; $2,100, 11/14/2005, Robert P. Casey Jr.; $500, 11/07/2005, Dianne Feinstein; $1,900, 03/28/2005, Edward M. Kennedy; $2,100, 03/28/2005, Edward M. Kennedy.

4. Daughter: Sally Susman: $1,000, 01/13/2009, Presidential Inaugural Committee; $5,000, 2009 Year, Pfizer PAC (Committed); $1,000, 09/26/2008, Jeanne Shaheen; $3,744, 2008 Year, Pfizer PAC; $1,300, 10/24/2008, Barack Obama; $2,300, 08/19/2008, Barack Obama; $1,000, 05/15/2008, Prairie PAC; $2,300, 04/17/2008, Tom Udall; $1,000, 11/20/2007, DSCC; $1,000, 07/31/2007, Barack Obama; $2,300, –06/27/2007, Richard J. Durbin; $2,300, 06/27/2007, Dick Durbin Cmte; $2,300, 06/20/2007, Hillary Clinton; $250, 05/07/2007, Richard Wager; $2,300, 04/27/2007, Thomas R. Harkin; $2,000, 03/23/2007, Jack Reed; $2,300, 01/29/2007, Hillary Clinton, $2,100, 12/05/2006, Thomas J. Vilsack; $2,000, 10/23/2006, Amy Klobuchar; $250, 10/22/2006, John Yarmuth; $250, 09/03/2006, Ron Klein; $1,000, 07/18/2006, Robert P. Casey Jr.; $250, 05/19/2006, Sheldon Whitehouse; $250, 03/28/2006, Ford Bell; $2,000, 12/06/2005, Robert P. Casey Jr.; $250, 11/28/2005, Ford Bell; $1,000, 10/21/2005, Dianne Feinstein.

5. Son: William Susman: $2,300, 08/27/2008, Barack Obama; $2,300, 04/17/2008, Tom Udall; $250, 03/18/2008, Fox; $2,300, 06/27/2007, Richard J. Durbin; $2,300, 06/27/2007, Richard J. Durbin; $2,300, 05/03/2007, Thomas R. Harkin; $2,300, 5/03/2007, Thomas R. Harkin; $2,300, 03/30/2007, Barack Obama; $2,000, 03/23/2007, Jack F. Reed; $2,100, 02/22/2007, Hillary Clinton; $2,100, 12/05/2006, Thomas J. Vilsack; $1,000, 10/18/2006, Amy Klobuchar; $1,000, 03/31/2006, Roth; $2,000, 12/06/2005, Robert P. Casey Jr.; $2,000, 03/28/2005, Edward M. Kennedy.

6. Daughter-in-Law: Emily Glasser: $2,300, 06/27/2007, Dick Durbin; $2,300, 06/27/2007, Dick Durbin; $100, 03/28/2007, Tom Perriello; $2,300, 03/30/2007, Obama for America; $2,000, 03/23/2007, Jack F. Reed; $2,100, 02/22/2007, Hillary Clinton.

7. Mother: Selma Susman: $2,300, 03/30/2007, Obama for America.

8. Mother-in-law: Birdie Sachs: $2,300, 02/12/2007, Obama for America.

9. Sister: Elaine Tucker: $2,300, 07/25/2008; Obama Victory Fund.

10. Brother-in-law: Tom Tucker: $2,300, 07/28/2008, Obama Victory Fund; $2,300, 07/02/2007, Obama Victory Fund.

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*Laurie Susan Fulton, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Nominee: Laurie S. Fulton.

Post: Ambassador to Denmark.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $500, 03/12/05, Friends of Hillary; $500, 09/26/05, Stabenow for Senate; $250, 09/28/05, Hurst for Congress; $500, 10/03/05, EMILY's List; $500, 11/01/05, Friends of Hillary; $500, 11/01/05, DSCC; $250, 12/22/05, Schwartz for Congress; $1500, 03/30/06, EMILY's List; $250, 04/10/06, Hope Fund; $250, 04/21/06, Miller for Senate; $250, 05/22/06, Akaka for Senate; $1000, 06/19/06, McCaskill for Missouri; $500, 06/20/06, DSCC; $750, 09/06/06, DSCC; $250, 09/20/06, Judy Feder—Congress; $1000, 09/29/06, Herseth for Congress; $250, 10/07/06, Webb for Senate; $500, 01/19/07, Obama (Exploratory Cte); $1800, 03/02/07, Obama for America; $250, 06/18/07, Obama for America; $2050, 06/30/07, Obama for America; $1000, 11/05/07, DSCC; $500, 12/02/07, DSCC; $250, 12/21/07, Byrne for Congress; $2300, 01/22/08, Friends of Mark Warner; $1000, 03/05/08, Al Franken for Senate; $1000, 05/02/08, Herseth for Congress; $250, 05/03/08, Judy Feder—Congress; $250, 05/05/08, Byrne for Congress; $500, 05/12/08, Tim Johnson for Senate; $500, 05/13/08, Matsui for Congress; $795.94, 05/13/08, Matsui for Congress; $2300, 07/24/08, Obama Victory Fund; $500, 07/24/08, EMILY's List; $250, 07/29/08, Tim Johnson—Senate; $500, 07/29/08, Judy Feder—Congress; $2300, 07/31/08, DNC; $500, 08/05/08, EMILY's List; $500, 09/24/08, Herseth for Congress; $500, 09/29/08, Tim Johnson—Senate; $500, 10/06/08, Judy Feder—Congress; $500, 10/16/08, Kay Hagan—Senate; $1000, 10/17/08, Hillary Clinton Cte; $250, 10/18/08, Kay Hagan—Senate; $250, 10/28/08, Kay Hagan—Senate; $1000, 10/29/08, Hillary Clinton Cte; $250, 12/18/08, EMILY's List; $1000, 03/16/09, DNC.

2. Spouse: N/A.

3. Children and Spouses: Kelly Daschle, None.

Spouse: Eric Chader: $500, 03/21/07, Obama for America; $500, 11/30/07, Obama for America; $1300, 01/27/2008, Obama for America.

Nathan T. Daschle & Jill Daschle (spouse): $100, 08/31/05, Friends of Jeff Smith; $1000, 11/30/05, Ted Kennedy—Senate; $500, 05/31/06, Whitehouse for Senate; $2300, 02/07/07, Obama for America; $1000, 02/07/07, Richardson for President; $2300, 04/24/07, Edwards for President; $1000, 05/15/07, Richardson for President; $150, 09/13/07, Shafroth for Congress; $1000, 09/28/08, Al Franken for Senate; $1000, 10/01/07, Richardson for President; $2300, 12/06/07, Richardson for President; $500, 10/08/07, Obama for America; $59.78, 01/15/08, Obama for America; $2300, 03/05/08, Obama for America; $59.84, 04/14/08, Obama; $1000, 06/05/08, Anne Barth for Congress; $250, 07/01/08, Shafroth for Congress; $250, 07/23/08, DNC; $2300, 09/12/08, Obama Victory Fund; $1000, 02/02/09, Friends of Chris Dodd.

Lindsay Daschle, $250, 06/16/07, Obama for America; $1000, 01/31/08, Obama for America; $250, 02/07/08, Obama for America.

Tommy Ross (spouse) $250, 06/22/07, Obama for America; $1000, 01/27/08, Obama for America.

4. Parents: Vernon Arthur Klinkel—deceased (1968).

Norma Lucille Jensen Klinkel—deceased (2000).

5. Grandparents: Edward A. Klinkel—deceased (1970).

Dora M. Klinkel—deceased (1968).

Jens A. Jensen—deceased (1969).

Olga Jensen—deceased (1982?).

6. Brothers and Spouses: Thomas E. Klinkel: $100, 2006, Giffords for Congress; $250, 01/27/08, Obama for America; $500, 06/20/08, Obama for America; $250, 08/26/08, Obama Victory Fund; $1,000, 09/12/08, Obama Victory Fund; $250, 10/08/08, Obama Victory Fund; $250, 10/16/08, Obama Victory Fund; $250, 10/30/08, Obama Victory Fund.

Gregory D. Klinkel & Suzanne Klinkel: $50, 09/07/06, DNC; $25, 09/24/07, Udall for Colorado; $50, 04/06/08, DNC; $25, 04/25/08 Obama for America; $25, 06/10/08, Udall for Colorado; $10, 07/26/08, DNC; $50, 11/03/08, Obama for America.

7. Sisters and Spouses:

Linda K. Hawkins: none.

Ronnie J. Hawkins (spouse): none.

Lisa K. Wolf Johnson: $250, 06/30/07, Obama for America; $30, 03/30/08, ActBlue (DSCC?); $500, 09/09/08, Obama Victory Fund; $500, 09/19/08, Obama for America; $20, 09/30/08, DSCC; $500, 10/17/08, Obama Victory Fund; $500, 10/24/08, Obama for America; $250, 10/24/08, Obama for America; $250, 10/30/08, Obama Victory Fund.

Craig Johnson (spouse): none.

Mary Klinkel: $20, 08/20/05, Friends of Hillary; $50, 09/14/05, DSCC; $25, 09/27/05, Friends of Robert Byrd; $50, 04/06/06, DSCC; $10, 06/26/06, Bob Casey for PA; $10, 06/26/06, Whitehouse '06; $35, 06/26/06, DCCC; $25, 06/26/06, EMILY's List; $20, 08/25/06, Bob Casey for PA; $20, 09/29/06, DCCC; $20, 09/29/06, DSCC; $10, 01/23/07, DSCC; $250, 02/17/07, Obama for America; $350, 06/13/07, Obama for America; $100, 02/05/08, Obama for America; $50, 05/17/08, Obama for America; $50, 06/09/08, Obama for America; $50, 06/20/08, Obama for America; $25, 07/10/08, Obama; $200, 09/30/08, Obama Victory Fund; $35, 10/07/08, DCCC; $250, 10/22/08, Obama Victory Fund; $100, 11/03/08, Obama Victory Fund; $50, 11/19/08, DSCC; $50, 11/23/08, ActBlue; $20, 03/30/09, DCCC; $20, 03/30/09, DSCC.

Darcy Anderson: $250, 06/30/07, Obama for America; $200, 02/08/08, Obama for America; $1,000, 05/02/08, Obama for America; $850, 05/28/08, Obama for America; $1,000, 07/31/08, Obama for America; $1,000, 09/10/08, Obama Victory Fund; $1,000, 09/19/08, Obama for America; $300, 10/24/08, Obama for America; $500, 10/30/08, Obama Victory Fund.

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*Timothy J. Roemer, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Nominee: Timothy J. Roemer.

Post: U.S. Ambassador to India.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Sarah J. Roemer: None.

3. Children: Patrick H. Roemer: Child. Matthew B. Roemer: Child. Sarah K. Roemer: Child. Grace E. Roemer: Child.

4. Parents: James A. and Mary Ann Roemer: $200, 2008, Barack Obama; $100, 2008, Joe Donnelly; $100, 2007, Joe Donnelly; $100, 2006, Joe Donnelly.

5. Grandparents: deceased.

6. Brothers and Spouses: Mike and Julie Roemer: None. Patrick and Margaret Roemer: None. Dan Roemer and Eve Cominos: $1962, 2008, Barack Obama; $100, 2008, Al Franken; $50, 2008, Jeanne Shaheen; $500, 2008, DCCC.

7. Sister: Kathryn Roemer: $100, 2008, DNC.

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*Gordon Gray, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Nominee: Gordon Gray III.

Post: Tunisia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Connie B. Gray: None.

3. Children and Spouses: Alexander Gray (single): None. Angela S. Gray (single): None. Christopher G. Gray (single): None.

4. Parents: Gordon Gray, Jr.: Deceased. Virginia Garbers: $50, 9/29/2008, Obama/Biden campaign; $50, 6/21/2008, Democratic National Committee.

5. Grandparents: Gordon Gray, Sr.—deceased; Eula Gray—deceased; M.D. Schlesinger—deceased; Mable Schlesinger—deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Alexander Pruner [sister]: None. avid Pruner [brother-in-law]: None. Maria Gray [sister; single]: None. Samantha Garbers [sister]: $826 at various dates in 2008 to the Obama primary and general election campaigns (the largest single contribution was $250 on 1/8/2008). Scott Adams [brother-in-law]: $2,500, 4/30/2009, Chicago Mercantile Exchange Group PAC; $2,315, 1/27/2008, Obama primary Campaign; $2,000, 6/6/2007, Democratic Senatorial Campaign Committee.

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*Richard J. Schmierer, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Nominee: Richard J. Schmierer.

Post: Muscat, Sultanate of Oman

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses, none.

4. Parents, none.

5. Grandparents, none.

6. Brothers and Spouses: John Schmierer, $300, 7/07–7/08, Barack Obama ($25 per month).

7. Sisters and Spouses: none.

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*Mark Henry Gitenstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: Mark Gitenstein.

Post: U.S. Ambassador to the Republic of Romania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 2/9/2005, $1,000, Kennedy for Senate 2012; 2/11/2005, $5,000, Next Generation; 4/6/2005, $2,500, Democratic Senatorial Campaign

Committee; 5/5/2005, $2,000, Citizens for Hope, Responsibility, Independence & Service PAC (CHRIS PAC) (Sen. Chris Dodd, D–CT; 11/18/2005, $500, Feinstein for Senate; 12/12/2005, $1,000, Carper for Senate; 3/8/2006, $1,000, Friends of Hillary; 4/27/2006, $1,000, Feinstein for Senate; 5/17/2006, $1,000, Friends of Mary Landrieu Inc; 6/5/2006, $1,000, Democratic Senatorial Campaign Committee; 6/26/2006, $500, Green Mountain PAC (Sen. Patrick Leahy, D–VT); 9/20/2006, $1,000, Friends of Rosa DeLauro; 9/29/2006, $1,000, Democratic Senatorial Campaign Committee; 10/7/2006, $500, Adam Smith for Congress Committee; 10/8/2006, $1,000 Green Mountain PAC (Sen. Patrick Leahy, D–VT); 10/27/2006, $500, Friends of Dan Maffei; 3/12/2007, $1,000, Democratic Senatorial Campaign Committee; 5/16/2007, $1,000, Green Mountain PAC (Sen. Patrick Leahy, D–VT); 8/16/2007, $1,000, Friends of Rosa DeLauro; 12/21/2007, $200, Friends of Mary Landrieu Inc; 12/21/2007, $300, Friends of Mary Landrieu Inc; 12/31/2007, $500, Tim Johnson for South Dakota Inc; 12/28/2008, $1,000, Hillary Clinton for President; 2/15/2008, $500, Hillary Clinton for President; 2/20/2008, $500, Friends of Dan Maffei; 3/12/2008, $500, Committee to Reelect Henry Hank Johnson; 3/23/2008, $1,000, Nels Ackerson for Congress; 5/13/2008, $1,000, Friends of Mary Landrieu Inc.; 6/9/2008, $346, Conyers for Congress; 6/13/2008, $1,000, Conyers for Congress; 6/17/2008, $250, Friends of Mary Landrieu Inc.; 6/30/2008, $500, Nels Ackerson for Congress; 8/20/2008, $500, Kennedy for Senate 2012; 5/19/2005, $1,000, Friends of Max Baucus; 7/12/2006, $2,000, Unite Our States (Sen. Joe Biden,–DE); 12/20/2006, $1,000, Citizens for Biden; 1/31/2007, $300, Friends of Max Baucus; 1/31/2007, $1,700, Friends of Max Baucus; 3/13/2007, $1,000, Friends of Rahm Emanuel; 3/9/2008, $1,000, Citizens for Biden; 3/20/2008, $400, Citizens for Biden; 3/20/2008, $400, Citizens for Biden; 8/8/2005, $1,000, Cantwell 2012; 12/20/2006, $1,000, Biden for President, Inc.; 3/30/2007, $1,000, Biden for President, Inc.; 6/21/2007, $300, Biden for President, Inc.; 6/21/2007, $700, Biden for President, Inc.; 3/26/2008, $1,000, Nels Ackerson for Congress; 4/9/2008, $1,000, Biden for President, Inc.; 4/18/2008, $1,000, Chris Dodd for President, Inc.; 6/30/2009, $1,700, Biden for President, Inc.;

2. Spouse: Elizabeth Gitenstein: 7/20/2005, $500, Friends of Rosa DeLauro; 7/25/2005, $1,000, Stabenow for U.S. Senate; 8/4/2005, $2,500, Unite Our States (Sen. Joe Biden, D–DE); 10/17/2005, $500, Friends of Mary Landrieu Inc.; 3/23/2006, $1,000, Friends of Rosa DeLauro; 6/9/2006, $1,000, Friends of Rosa DeLauro; 9/26/2006, $500, Searchlight Leadership Fund (Sen Harry Reid, D–NV); 10/13/2006, $500, Friends of Mary Landrieu Inc.; 11/18/2007, $2,000, Biden for President, Inc.; 4/9/2008, $300, Biden for President, Inc.; 9/30/2007, $250, Cantwell 2012.

3. Children and Spouses: Rebecca Gitenstein Bierlink (daughter) & Bruce Bierlink, $75, 2008, Opposition to Cal Prop 8. Benjamin Brown Gitenstein (son) & Emily Cherkin, $200, 2007, Gregoire for Governor; $100, 2006, WA House Dem. Caucus; $100, 2007, James Dow Constantine; $50, 2006, Richard Kelley; $50, 2006, Sally Clark; $190.80, 2006, Voters for Affordable Housing. Sarah Brown Gitenstein (daughter), $10, 2008, Voters for Affordable Housing.

4. Parents: $10, 2008, Obama for America. Seymour Gitenstein, $0.

5. Grandparents: Sam & Pauline Green (deceased). Israel & Rose Gitenstein (deceased).

6. Brothers and Spouses: None.

7. Sisters and Spouses: Barbara Gitenstein (sister) & Don Hart, $0. Susan Assadi (sister) and Sammi Assadi, $500, 2009, Obama for America.

By Mr. DODD for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Phyllis Corrine Borzi, of Maryland, to be an Assistant Secretary of Labor.

*Nicole Lurie, of Maryland, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

*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. MENENDEZ (for himself, Mr. REID, and Mr. HATCH):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. HATCH):

S. 1409. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. HARKIN, and Mr. BROWN)):

S. 1410. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, and Mr. BROWN)):

S. 1411. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 1412. A bill to amend the Commodity Exchange Act to clarify the treatment of purchases of certain commodity futures contracts and financial instruments with respect to limits established by the Commodity Futures Trading Commission relating to excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1413. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. McCASKILL:

S. 1414. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. CHAMBLISS, and Mr. NELSON of Nebraska):

S. 1415. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes; to the Committee on Rules and Administration.

By Mr. BROWNBACK (for himself, Mr. KYL, and Mr. GREGG):

S. 1416. A bill to require the redesignation of North Korea as a state sponsor of terrorism, to impose sanctions with respect to North Korea, to require reports on the status of North Korea's nuclear weapons program and counterproliferation efforts, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL of Colorado:

S. 1417. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1418. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mr. COCHRAN):

S. Res. 210. A resolution designating the week beginning on November 9, 2009, as National School Psychology Week; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 405

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 461

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 475

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 519

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 519, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention and the LRTAP POPs Protocol.

S. 588

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 588, a bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 649

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. ENZI) 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. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from California (Mrs. BOXER) 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. 733

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 733, a bill to ensure the continued and future availability of lifesaving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 790

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 790, a bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need.

S. 841

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1210

At the request of Mr. KAUFMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1210, a bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

S. 1257

At the request of Ms. CANTWELL, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1281

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1281, a bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs.

S. 1308

At the request of Mr. LAUTENBERG, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1308, a bill to reauthorize the Maritime Administration, and for other purposes.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1375, a bill to amend the

Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1382

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 1408

At the request of Mr. CORNYN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. COBURN), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 1408 intended to be proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. HATCH):

S. 1409. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, one of the best ways that the U.S. can gain understanding and appreciation of other cultures is through the arts. Exposing children and adults alike to the creativity of other countries enriches our own artistic talents and helps bridge the gap between nations. It is for those reasons my colleague Senator HATCH and I have introduced the Arts Require Timely Service, ARTS, Act.

This legislation helps streamline the visa process and waive fees so that foreign artists and musicians can share their talents in the U.S. Currently, the visa process for visiting artists is slow and costly, often times prohibiting artists from coming to the U.S. to share their talents. Breaking down these barriers is important and we shouldn't let the politics of immigration interfere with expanding our cultural horizons.

I am proud to stand with Senator HATCH and the Performing Arts Visa Task Force to try and help artists visit our country and inspire our communities. I hope our colleagues will join us and pass this sensible reform to expedite cultural exchanges and artistic expression.

Mr. HATCH. Mr. President, I rise to introduce with my colleague, Senator JOHN KERRY, the Arts Require Timely Services, ARTS, Act.

For some time, I have been working to improve the processing of visa petitions filed by nonprofit arts organizations. Unfortunately, years of delays, errors, and unpredictability have forced some U.S.-based nonprofit arts organizations from even trying to bring international artists into the United States. We must eliminate some of the bureaucratic barriers that have been negatively affecting performing artists.

There is no doubt that nonprofit arts organizations across the country engage foreign guest artists in their orchestras, theatres, and dance and opera companies. In my home state of Utah, I am aware that many organizations that will benefit from passage of the ARTS Act, including Brigham Young University, Cache Valley Center for the Arts, The Orchestra of Southern Utah, University of Utah, Murray Symphony Orchestra, Salt Lake Symphony, and the Utah Shakespeare Festival, to name a few.

The ARTS Act would apply only to temporary, nonimmigrant visas for foreign artists visiting the United States. The legislation would require U.S. Citizenship and Immigration Services to treat as a Premium Processing case, or a 15–day turn-around, free of additional charge, any nonprofit arts-related O- and P-visa petition that it fails to adjudicate within 30 days. In November 2007, the Congressional Budget Office issued a cost estimate for the ARTS Act, stating that the bill would have no significant cost to the Federal Government.

It is my hope that my colleagues will support passage of this legislation in the near future.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. HARKIN, and Mr. BROWN):

S. 1410.—A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege today to be introducing two bills to improve our schools and bring them into the 21st century. The Time for Innovation Matters in Education Act, S. 1410, or TIME Act, seeks to expand our 19th century school calendar to provide more time for learning across the curriculum. The Keeping Parents and Communities Engaged Act, S. 1411, or Keeping PACE Act, will encourage greater involvement of parents in their children's education, and engage community partners in supporting the comprehensive learning needs of students in school.

These bills take different approaches, but both address critical challenges for our Nation's schools. By providing the time and resources for students to succeed, we can ensure that all students are equipped with the tools needed to be successful in the 21st century economy.

As a result of the current 6 hours a day, 180 days a year schedule, American students spend about 30 percent less time in school than students in other leading nations. This gap hinders the ability of our students to compete with their peers around the globe who derive a significant advantage by having more time to learn what they need to know. About 1,000 U.S. schools are already tackling this problem on their own, and now it's time for the Federal Government to step up and help more students obtain the time in school they need.

The TIME Act authorizes $350 million next year, increasing to up to $500 million in 2014, to support schools in expanding learning time by 300 hours a year and redesigning their school day to meet the needs of students and teachers. The act promotes partnerships between schools and community-based organizations in expanding and redesigning the school schedule to give students a broader learning experience and encourage innovation. The goal of the act is not merely to encourage schools to add more time at the end of the day, but to take a close look at how they use their time and redesign the entire school schedule for the benefit of students' learning experiences.

Studies document the difference an extra hour of school each day, a few more weeks of school each year, or additional time after or before school for tutoring can make to all students. According to these studies, the students for whom this time is most important for are the students we need to be focusing on—our neediest students. Students in disadvantaged families show a drop-off in learning over long summer recesses compared to their better-off classmates, and they fall farther behind each year. A 2007 study found that ⅔ of the reading achievement gap between 9th graders of low and high socioeconomic standing in Baltimore public schools can be traced to what they learned, or failed to learn, during their summers.

These students also are less likely to have parents with the time to help them with their school work. Expanded learning time can help these needy students catch up by shortening their summer recesses, providing more time for educators to support student learning, and giving schools the opportunity to provide these students with additional nutritious meals.

In addition to those at risk of falling behind, more time for learning helps students who are on grade level get ahead, by providing greater time for enrichment and a broader curriculum. Additional time also enables more students to participate in experiential and interactive learning, in service learning opportunities in their schools and communities, and in internships, all of which help keep students engaged in school and make school more relevant.

For additional time to be used most effectively, it must also work for teachers. The act encourages the use of this time for greater teacher planning and collaboration across grades and subjects, so that teachers can work together to help their students. Today's elementary school teachers spend less than 10 percent of their time planning lessons and preparing for classes—compared to over 40 percent for their Asian counterparts. Just as it does for students, time matters for teachers, by helping them to help their students more effectively.

To assess the difference these programs will make, the TIME Act calls for a comprehensive evaluation of the programs it supports. We're still in the learning stages of expanded learning time. It is intuitive that time matters, but we're still learning what practices work best—for teachers, for students, and for schools. This evaluation will ensure that we will learn as much as possible about what works, and that the Department of Education will be able to do a better job of sharing best practices nationwide in supporting these initiatives.

Expanded learning is an idea whose time has come, thanks in large part to the leadership of Massachusetts. As John Adams wrote in the Massachusetts Constitution in 1780, the education of the people is ''necessary for the preservation of their rights and liberties.'' Ever since, Massachusetts has been ahead of the curve in education reform. In recent years, the Commonwealth has developed a significant expanded learning time initiative that enables schools to offer 300 additional hours of instruction during the school year, allocated as each school chooses. The initiative began with 10 schools in 2006. Twenty-six schools are now participating, and more than 40 are now planning to participate.

At the Edwards Middle School in Boston's Charlestown neighborhood, additional time has made a difference. The percentage of students scoring ''proficient'' on math tests rose almost thirteen points during its first year with expanded school hours, and the school is also offering a wide array of extracurricular activities, including Latin American Dance, Musical Theater, and valuable apprenticeship opportunities.

We know that many schools and districts around the country are seeking better ways to strengthen the support they offer parents and to deepen their connection with their communities. The No Child Left Behind Law includes requirements to develop parent-involvement policies and programs, release school report cards, and engage parents and community representatives to construct plans to improve struggling schools. The Keeping PACE Act builds on these activities to support schools in making parents and the community full partners in the education of their children.

Parents are their children's first teachers, and they have immense influence over their children's attitudes, focus, priorities and goals. Well-informed parents are more likely to be involved, to ask questions, to suggest constructive changes and to make a difference in their child's education. They deserve to know what their children are learning and being tested on, what their children's grades and assessment scores mean, and how assessment data can be used to improve learning. Informed and engaged parents can help turn around struggling schools.

Educators have long recognized this fact, based on their own experience and abundant research. Unfortunately, a series of reports by Appleseed make clear schools and districts continue to face too many challenges that undermine the effort to achieve parental involvement. Parents may feel intimidated by language or cultural barriers, or have difficulty understanding their role as an advocate for their children. Parents too often find that the information provided by schools and districts is not released in a timely manner, is not clear and student-specific, and uses technical terms that are unfamiliar. Poor communication also often obscures the school-choice and supplemental-services options for parents under the No Child Left Behind Act.

Heather Weiss, the director of the Harvard Family Research Project, emphasizes that with the conclusive evidence now available, the time has come for action. As she states, ''The question we must ask is, in addition to quality schools, what non-school learning resources should we invest in and scale up to improve educational outcomes, narrow achievement gaps, and equip our children with the knowledge and skills needed to succeed in the complex and global 21st century?''

To encourage greater parent involvement, this bill amends the Elementary and Secondary Education Act to enable States to award grants to local education agencies to assist schools in hiring and maintaining Parent and Community Outreach Coordinators. These coordinators will build vital partnerships among families, schools, and the community. They'll work with school principals, teachers, and staff to encourage parents to become more involved in their child's education and give them the tools necessary to become successful advocates for their children. Instead of giving teachers, counselors, and principals more to do, every school should have a resource they can turn to for help with identifying student needs and using community resources to help all students succeed.

Educational research also shows that students flourish in environments in which learning is a community value and in which schools have the ability to address a broad range of student needs. Many school districts have established full-service community schools that directly involve parents, families, and the entire community in education. These schools use integrated services to students to help meet multiple local needs in areas such as education, health, social services, and recreation. President Obama has recognized the power of these schools, by often citing the extraordinary success of the Harlem Children's Zone and using it as a model for his Promise Neighborhoods proposal.

Responding to this research and to success stories from around the nation, the Keeping PACE Act will help school districts do more to increase community involvement in schools, provide a wide range of support and services to children, and make schools the center of their neighborhood. The Keeping PACE Act supports incentives for local education agencies to coordinate with mayors, community-based organizations, for-profit entities, and other local partners to re-design and modernize their current school plans and facilities to link students more effectively with existing resources.

Improved coordination among parents, schools, and their communities can create networks that enable and empower students to take advantage of many more opportunities to learn, and by doing so, we will uncover innovations to help all schools.

As with the TIME Act, establishing this network will benefit not only students who need the greatest help with their learning, or who are at risk of dropping out, but also those who need more challenging schoolwork to keep them engaged and making progress.

Yet again, Massachusetts is leading the way. A current Massachusetts pilot initiative has placed 32 full-time family and community outreach coordinators in Boston public schools. These coordinators are responsible for supporting families, teachers, and the community in a common effort to help students academically and socially, and their efforts have been successful.

For example, the Family and Community Outreach Coordinator at the Condon School in Boston has offered workshops for parents on middle school transition and math curriculum and coordinated parent participation on an

anti-bullying initiative at the school, called the School Climate Committee. The Coordinator has helped teachers and parents make connections for parent-teacher conferences, bringing in over 200 parents to participate in a fall open house, in which some of the teachers have reported contact with over 80 percent of their students' families. The Coordinator has also inspired donations to the school through the generosity of local businesses.

Now is the time for the nation as a whole to make a greater effort on expanded learning and parent and community involvement. These two bills constitute a strong commitment to meet the comprehensive learning needs of children and families, guarantee a role for parents and families in local schools, and provide real hope to students most at-risk of dropping out. Addressing these challenges is essential to the future and prosperity of our nation as a whole.

We know the dimensions of the problem we face. Today, 65 percent of 12th graders do not read on grade level, and 1.2 million students who enter the ninth grade fail to receive a high school diploma four years later. We can no longer afford to pay this high price, either in terms of lost human potential or national productivity. These bills will help millions of young people reach their potential, and help make our education system the best in the world once again.

The Keeping PACE Act is supported by 40 organizations representing education communities. Mr. President, I ask unanimous consent that their joint letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

JUNE 19, 2009.

DEAR SENATOR KENNEDY: The 40 undersigned organizations support the Keeping Parents and Communities Engaged (PACE) Act. We commend you for your sponsorship and look forward to working together to include Keeping PACE in the reauthorization of the Elementary and Secondary Education Act.

The Keeping PACE Act creates incentives and structure for schools and communities to work together to support students through coordinated, comprehensive, and targeted approaches to meet the needs of students in school and outside school. We're confident that this approach, supported by extensive research, will lead to greater academic improvement and future success for our young people.

The legislation achieves these goals through a series of voluntary programs that will be supported by federal grants. Resources will be available to support parent and community outreach coordinators to assist schools in engaging with the community and achieving greater parental involvement. The bill also will connect students to community resources and comprehensive support services, so that effective community organizations and others can provide students with support outside the classroom to promote academic achievement. In addition, resources will be provided to schools as centers of communities, in order to expand the community school movement.

Extensive research and experience support the implementation of each of these three approaches. Through this approach, we believe that schools and communities will be able to provide the services needed by students, particularly those who are disadvantaged. We commend you for introducing this legislation and we look forward to working together to enact it.

Sincerely,

Communities In Schools; American Association of School Administrators; American Association of University Women; American Federation of Teachers; American Humane Association; America's Promise Alliance; Association for Supervision and Curriculum Development; Boys & Girls Clubs of America; Big Brothers Big Sisters of America; Center for American Progress.

Center for Parent Leadership/Commonwealth Institute for Parent Leadership; Chicago Public Schools; Children's Aid Society; Citizen Schools; City Year; Coalition for Community Schools; Family Connection of Easton; First Focus; I Have A Dream Foundation; Massachusetts Parent Information & Resource Center.

Mentor; National Alliance of Black School Educators; National Association of Elementary School Principals; National Association of School Psychologists; National Association of Secondary School Principals; National Association of State Boards of Education; National Association of State Directors of Special Education; National Collaboration for Youth; National Coalition for Parent Involvement in Education.

National Education Association; National Youth Leadership Council; PACER; Parent Teacher Association; Parent Institute for Quality Education; Public Education Network; The Forum for Youth Investment; The National Coalition of ESEA Title I Parents—Region VII; Save the Children; United Way; Youth Service America.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1413. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, today I am introducing legislation that will designate Quincy Homestead, a local and national treasure, within the boundary of the Adams National Historic Park. The Quincy Homestead, located in Quincy, MA, was constructed in 1686 by Edmund Quincy II and was called home by five generations of Quincys and is an important historical site for Massachusetts and the nation. It housed great Americans such as President John Quincy Adams, Oliver Wendell Holmes, and Dorothy Quincy Hancock, the first First Lady of Massachusetts. In the years leading up to the American Revolution, it also served as a meeting place for renowned American patriots including President John Adams, Josiah Quincy, and John Hancock.

In addition to its historical significance the Homestead is also a pristine example of American architecture and represents its evolution over three hundred years. The Quincy Homestead was designated a National Historic Landmark in 2005.

While a lot of passion and hard work has gone into the preservation and operation of this property, there is more to be done to enhance these efforts and to realize the full potential of this property. Adding Quincy Homestead to the Adams National Park will advance opportunities for educational and recreational activities at the Homestead and allow greater public access to its rich historic and architectural traditions. I believe this piece of legislation will help the citizens of Massachusetts and the American people to take much fuller advantage of this stunning, national landmark. I ask all my colleagues to support this legislation.

By Mrs. MCCASKILL:

S. 1414. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

Mrs. MCCASKILL. Mr. President, today I am here to talk about a simple bill that would correct a serious injustice.

In 1992, land belonging to over 100 south St. Louis County homeowners was converted into a recreational trail under the National Trails System Act, which allows rights-of-way abandoned by railroads to be made into trails. I have nothing against the National Trails System Act. It is a good program; it improves communities and preserves rights-of-way. In 1990, the Supreme Court upheld the program as a rightful use of eminent domain, but made it absolutely clear that, in accordance with the Fifth Amendment, property owners must be justly compensated for their losses. Only this did not happen in the case of my constituents back in Missouri. These homeowners—modest, hardworking people—were never compensated for the loss of their land.

These Missouri homeowners did everything right. First, in December 1998, they filed their claim. Federal Judge Bruggink ruled the claim to be filed in timely manner, and the Department of Justice later agreed. Then, on two separate occasions, Judge Bruggink ruled that the federal government was liable for taking the Missouri homeowners' land. After 6 years of litigation, the Department of Justice finally agreed on the amount of just compensation owed to each homeowner. On December 17, 2004, Judge Bruggink found the settlement to be fair and prepared to enter a final order. However, just days before Judge Bruggink was to issue the final order, a separate court—considering an unrelated case—changed the rule on how to calculate the 6-year

statute of limitations in which property owners have to file a claim for compensation.

This new rule determined that the clock on the statute of limitations starts to run at the time negotiations for a possible trail begin, instead of when a trail is actually established. Frankly, this is a little ridiculous because the negotiations are between the railroad company and the trail operator, not the actual property owners who must file the claim. Frequently property owners are not even notified of the negotiations until a trail is established! In the Missouri homeowners' case, negotiations began in March 1992, 6 years and 9 months before they filed their claim. Under the new rule, they filed their claim 9 months too late. As a result, the Court of Claims no longer had jurisdiction to approve the settlement and Judge Bruggink was forced to dismiss the case. To this day the government is still using these citizens' land for a recreational trail, the Grant's Trail, but the citizens have never been extended their constitutional right to just compensation.

Today, along with my distinguished colleague from Missouri, Senator BOND, I am introducing legislation to correct this injustice. The Fair Compensation Act of 2009 would simply confer jurisdiction upon the U.S. Court of Federal Claims to hear the Missouri homeowners' claim. We are doing this for people like Gale and Sarah Illig, a retired couple who had a 50-foot wide strip of land taken from their yard. Then there is Betty Mea Steinhans, who lived in her home for 51 years. The recreational trail took out a sizable chunk of Betty's prized garden. A government appraiser and the DOJ determined that the Federal Government owed Betty $31,000. That is almost 25 percent of the value of her home! These Missourians, and dozens like them, have worked hard to purchase their homes, and they will likely rely on their home's value to provide for them into retirement. They deserve their day in court.

Let me make this clear: our legislation does not award a monetary amount to Missouri landowners. While I certainly think the homeowners are entitled to just compensation, that is not Congress' decision. It is the Court of Federal Claim's job to make that decision. This legislation would only allow the Court the opportunity to hear this case on its merits and would not require any additional appropriations from Congress.

Congress has the authority to enact special jurisdiction legislation; we have exercised it multiple times and the Supreme Court has upheld this right. In the late 1800s, Congress used it to give the Court of Federal Claims jurisdiction to hear the case of a businessman who had several hundred bales of cotton captured by General Sherman during the Civil War. More recently, Congress used it to give the Court jurisdiction to hear the case of the Pueblo of Isleta Indian Tribe, who had a sizable portion of their land taken by the Federal Government.

I want to thank Senator WHITEHOUSE and his staff for working with us to draft this legislation. I will continue to work with the Judiciary Committee on this issue, and I urge them to give this important legislation the consideration it deserves. I am confident that Congress will do what is right, and allow these hardworking Missouri homeowners their day in court.

By Mr. UDALL of Colorado:

S. 1417. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Leadville Mine Drainage Tunnel Remediation Act of 2009. This bill is the same as a bill introduced in the last Congress by my colleague Representative DOUG LAMBORN. I was proud to cosponsor that bill in the last Congress, which passed the House of Representative but was not taken up in the Senate, and I am pleased to introduce it today.

The Leadville Mine Drainage Tunnel Remediation Act addresses concerns regarding a mine tunnel in Leadville, Colorado. In 2008, a blockage formed in the tunnel that backed up a large volume of water, thereby creating a potential safety hazard to the community in the event of a catastrophic failure. While taking actions to address the immediate threat, questions arose as to whether the Bureau of Reclamation, which owns the tunnel, has the authority to help implement a number of remedies to reduce this threat and clean up additional contaminated water from the tunnel. My bill would clarify that the Bureau of Reclamation has the authority to treat water in the tunnel and is responsible for maintaining it in order to reduce future threats to the community.

The Leadville Mine Drainage Tunnel was originally constructed by the federal Bureau of Mines in the 1940s and 1950s to facilitate the extraction of lead and zinc ore for World War II and Korean War efforts. The Bureau of Reclamation acquired the tunnel in 1959, hoping to use it as a source of water for the Fryingpan-Arkansas Project, a water diversion project in the Fryingpan and Arkansas River Basins. Although the tunnel was never used for the Fryingpan-Arkansas Project, water that flows out of the tunnel is considered part of the natural flow of the Arkansas River. With the passage and subsequent signing into law of H.R. 429 during the 102nd Congress, the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the tunnel.

Groundwater levels at the tunnel have fluctuated in recent years. The 2008 collapse in the tunnel increased the tunnel's mine pool significantly, leading to new seeps and springs in the area. Estimates suggest that up to 1 billion gallons of water may have built up behind the blockage within the mine pool.

In November 2007, the U.S. Environmental Protection Agency, EPA, sent a letter to the Bureau of Reclamation expressing concerns over a catastrophic blowout as a result of the built up water, and, in February 2008, the Lake County Commissioners declared a state of emergency. The Bureau of Reclamation developed a risk assessment in the area, and the EPA and the Bureau of Reclamation performed some emergency measures to relieve water pressure in the area.

While this emergency work was important, the long-term need to rehabilitate and maintain the tunnel remains an open question. There has been general agreement on what needs to be done; namely, plugging the tunnel, drilling a well behind the plug, and then pumping the water out so it can be piped to the Bureau of Reclamation's existing treatment plant. However, it remains unclear as to whether the Bureau of Reclamation has the authority to help solve the problem by treating the water that the EPA plans to pump from behind the blockage.

In short, we found there is not only a physical blockage, but also a legal blockage that has prevented the Bureau of Reclamation, the EPA and the State of Colorado from reaching an agreement on a long-term solution. This legislation will clear out the legal blockage by allowing the Bureau of Reclamation and the EPA to collaboratively implement the proposed remedy and address the unsafe mine pool in the tunnel.

Specifically, the bill does three things:

First, it clarifies that the Bureau of Reclamation has the authority to treat water pooling up behind the blockage. Currently, the Bureau has authority to treat ''historic releases,'' which could include water behind the tunnel blockage, but Bureau of Reclamation officials are uncertain. In response, this bill eliminates the ''historic release'' language and clarifies that the Bureau of Reclamation can treat the blocked water in the tunnel.

Second, the bill authorizes and directs the Bureau of Reclamation to participate with the EPA on the remedy established under Superfund for the tunnel. The bill also maintains that the Bureau of Reclamation is not liable for the Superfund site cleanup in Leadville. Nevertheless, since remediation activities will occur within the Superfund site, the Bureau of Reclamation has been reluctant to implement this remedy. The Bureau of Reclamation does not want to assume any Superfund liability and does not read current law as allowing participation

with the EPA on the long-term remedy. The bill clarifies that the Bureau of Reclamation not only has the authority to implement the long-term solution at the Superfund site, but that it will be required to join the EPA in implementing it.

Third, the bill clarifies that the Bureau of Reclamation is required to maintain the structural integrity of the tunnel to minimize the chance of another blockage within the tunnel.

The bill also authorizes any funding that might be necessary for the Bureau of Reclamation to perform its clarified responsibilities under this bill.

By clearing up the legal blockage, the bill will help create a collaborative working relationship between the Bureau of Reclamation, the EPA and the State of Colorado to solve this problem for the long-term benefit of Colorado.

I look forward to working with the rest of the Colorado Congressional delegation on this legislation and on moving quickly to address concerns with the Leadville Mine Drainage Tunnel.

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. 1417

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 ''Leadville Mine Drainage Tunnel Remediation Act of 2009''.

SEC. 2. TUNNEL MAINTENANCE.

Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4656) is amended to read as follows:

''SEC. 705. TUNNEL MAINTENANCE.

''The Secretary shall take such steps to repair or maintain the structural integrity of the Leadville Mine Drainage Tunnel as are necessary to prevent Tunnel failure and to preclude uncontrolled release of water from any portion of the Tunnel.''.

SEC. 3. WATER QUALITY RESTORATION.

(a) IN GENERAL.—Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended—

(1) by striking ''(a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—The Secretary'';.

(2) by striking ''Neither'' and inserting the following:

''(2) LIABILITY.—Neither'';

(3) by striking ''The Secretary shall have'' and inserting the following:

''(3) FACILITIES COVERED UNDER OTHER LAWS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall have'';

(4) by inserting after ''Recovery Act.'' the following:

''(B) CALIFORNIA GULCH SUPERFUND SITE OPERABLE UNIT 6 REMEDY.—The Secretary shall participate in the implementation of the operable unit 6 remedy for the California Gulch Superfund Site, as the remedy is described in the Record of Decision of the Environmental Protection Agency for the operable unit (2003), by—

''(i) treating water behind any blockage or bulkhead in the Leadville Mine Drainage Tunnel, including surface water diverted into the Tunnel workings as part of the remedy; and

''(ii) managing and maintaining the mine pool behind the blockage or bulkhead at a level that precludes surface runoff and releases and minimizes the potential for Tunnel failure due to excessive water pressure in the Tunnel.''; and

(5) by striking ''For the purpose of'' and inserting the following:

''(4) DEFINITION OF UPPER ARKANSAS RIVER BASIN.—In''.

(b) AUTHORIZATION OF APPROPRATIONS.—Section 708(f) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended by striking ''sections 707 and 708'' and inserting ''this section and sections 705 and 707''.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1418. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Camp Hale Study Act of 2009. This is a companion bill to the one my Colorado colleague, Rep. DOUG LAMBORN, has introduced in the House of Representatives, H.R. 2330.

This bill was first introduced by Rep. LAMBORN in the last Congress and I was proud to cosponsor that bill. The bill passed the House of Representatives last session, but was not taken up by the Senate. H.R. 2330 has passed the House of Representatives in this Congress and I hope that the Senate can do the same.

I am again pleased to join my colleague Representative LAMBORN in reintroducing this bill. It concerns an important military legacy from the WWII era. Camp Hale, located in the mountains of central Colorado, was a facility that trained a number of soldiers for combat in high alpine and mountainous conditions. Principally, it was a training venue for the Army's 10th Mountain Division and other elements of the U.S. Armed Forces. The geography of the area was ideal for winter and high-altitude training, with steep mountains surrounding a level valley suitable for housing and other facilities. The camp itself was located in Eagle County along the Eagle River, and its training boundary included lands in Eagle, Summit, Lake, and Pitkin Counties.

In addition to the 10th Mountain Division, the 38th Regimental Combat Team, 99th Infantry Battalion, and soldiers from Fort Carson were trained at Camp Hale from 1942 to 1965. Throughout this time, the Army tested a variety of weapons and equipment at Camp Hale.

Between 1956 and 1965, the camp was also used by the Central Intelligence Agency as a secret center for training Tibetan refugees in guerilla warfare to resist the Chinese occupation of their mountainous country.

In July 1965, Camp Hale was deactivated and control of the lands was returned to the Forest Service in 1966. Today the camp is part of the White River and San Isabel National Forests. The U.S. Army Corps of Engineers is working to clean up potentially hazardous munitions left over from weapons testing at the camp, particularly in the East Fork.

Camp Hale was placed on the National Register of Historic Places in 1992. The bill I am introducing today would direct the Secretary of the Interior to study the feasibility and suitability of establishing Camp Hale, near Leadville, CO, as a national historic district.

Specifically, the bill directs the Secretary of the Interior, acting through the Director of the National Park Service, to complete a special resource study of Camp Hale to determine the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System, and also to consider other Federal, State, local, private or nonprofit means of protecting and interpreting the site. That would include an analysis of the significance of Camp Hale in relation to the defense of our Nation during World War II and the Cold War, including the use of Camp Hale for training of the 10th Mountain Division and other elements of the United States Armed Forces; and use of Camp Hale for training by the Central Intelligence Agency of Tibetan refugees seeking to resist the Chinese occupation of Tibet.

The study would also examine the opportunities for public enjoyment of the site, any operational, management, and private property issues that need to be considered if Camp Hale were to be added to the National Park System, the feasibility of administering Camp Hale as a unit of the National Park System considering its size, configuration, ownership, costs, and other factors, and the adequacy of other alternatives for management and resource protection of Camp Hale and for appropriately commemorating the role of Camp Hale in connection with training of United States troops and assistance to Tibetans opposed to the occupation of Tibet.

The bill also contains language ensuring that existing private property rights are not affected by this study, including water rights. The bill in this Congress contains a small change from the last bill in that it makes clear that the bill does not affect the ability to construct needed water infrastructure in the area subject to the study.

Camp Hale is an important part of our nation's proud national defense legacy and it deserves to be recognized and protected. The people who trained there are proud of their accomplishments and I am proud to join Representative LAMBORN in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1418

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Camp Hale Study Act''.

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

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

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

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

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

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

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 3. EFFECT OF STUDY.

Nothing in this Act shall affect valid existing rights or the exercise of such rights, including—

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

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

(3) water rights in the State of Colorado;

(4) water rights held by the United States;

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

(6) the ability, subject to compliance with lawful existing local, State, and Federal regulatory requirements, to construct and operate that infrastructure determined necessary by those with decreed water rights to develop and place to beneficial use such rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 210—DESIGNATING THE WEEK BEGINNING ON NOVEMBER 9, 2009, AS NATIONAL SCHOOL PSYCHOLOGY WEEK

Mrs. LINCOLN (for herself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 210

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entitities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation's children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on November 9, 2009, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1412. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1413. Mr. SHELBY (for himself, Mr. DODD, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1414. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1415. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1416. Mr. PRYOR (for himself, Mr. HATCH, Mr. COBURN, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1417. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1418. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1419. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, supra; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1420. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, supra; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1421. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1424. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1425. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1426. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1427. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY))

to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1428. Mr. HATCH (for himself, Mr. MENENDEZ, Mr. NELSON, of Florida, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1429. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1430. Mr. SANDERS (for himself, Mr. CASEY, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1431. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1432. Mr. KYL (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1433. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1434. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1435. Mr. PRYOR (for himself, Mr. HATCH, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1436. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1437. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1438. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1439. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1440. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1441. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1442. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1443. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1444. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1445. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1446. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1447. Mr. CORNYN (for himself, Mr. PRYOR, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. BARRASSO, Mr. GRAHAM, Mr. ROBERTS, Mr. WYDEN, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1412. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. GOVERNMENT NEUTRALITY IN CONTRACTING.

(a) PURPOSES.—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

(b) PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.—

(1) PROHIBITION.—

(A) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(i) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(ii) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(I) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(II) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(B) APPLICATION OF PROHIBITION.—The provisions of this subsection shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such subparagraph.

(2) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(A) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A); or

(B) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in subparagraph (A), do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A).

(3) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient or party, fails to comply with paragraph (1) or (2), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(4) EXEMPTIONS.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of paragraphs (1) and (2) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) SPECIAL CIRCUMSTANCES.—For purposes of subparagraph (A), a finding of ''special circumstances'' may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(C) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all

of the provisions of paragraphs (1) or (3), if the agency head finds—

(i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in paragraph (1)(A); and

(ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(5) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this subsection.

(6) DEFINITIONS.—In this subsection:

(A) CONSTRUCTION CONTRACT.—The term ''construction contract'' means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(B) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office.

(C) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

SA 1413. Mr. SHELBY (for himself, Mr. DODD, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, after line 18, insert the following:

SEC. _____. None of the funds in this Act provided for public transportation security assistance under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) shall require a cost share. Such public transportation security assistance shall be provided directly to public transportation agencies.

SA 1414. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LABOR CONDITION APPLICATION.

Section 424(a)(1) of the Consolidated Appropriations Act, 2005 (Public Law 108–447), which amends 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), is amended—

(1) in clause (i) of the quoted material, by striking ''if the Secretary of Labor has reasonable cause to believe'' and all that follows and inserting ''with regard to the employer's compliance with the requirements under this subsection.'';

(2) in clause (ii), by striking ''and whose identity is known'' and all that follows through ''failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements under this subsection.'';

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(7) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure the compliance of the employer with the requirements under this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(8) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(9) by inserting before the end quote the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (C).

SA 1415. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to 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; as follows:

At the appropriate place, insert the following:

SEC. ___. CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by striking ''The person'' and inserting the following:

''(i) UPON HIRING.—The person''; and

(2) by adding at the end the following:

''(ii) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election.''.

SA 1416. Mr. PRYOR (for himself, Mr. HATCH, Mr. COBURN, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. DEFINITION OF SWITCHBLADE.

Subsection (b) of the first section of the Act entitled ''An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes'' (commonly known as the Federal Switchblade Act) (15 U.S.C. 1241(b)) is amended to read as follows:

''(b) The term 'switchblade knife' means any knife having a blade which opens automatically by hand pressure applied to a button or other device in the handle of the knife.''.

SA 1417. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. The Secretary of Homeland Security shall promulgate regulations that amend section 235.1(f)(v) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act, to permit Mexican nonimmigrant aliens admitted into the United States to visit within the State of New Mexico (within 100 miles of the international border between the United States and Mexico border) for a period not to exceed 30 days without filling out an Arrival-Departure Record (I–94 Form) if the alien—

(1) is not required to present a visa and a passport under section 212.1(c)(1); and

(2) is admitted at the Columbus, Santa Teresa, or the Antelope Wells ports-of-entry in the State of New Mexico.

SA 1418. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of the Senate that—

(1) the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program will continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

SA 1419. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Strike the preamble and insert the following:

Whereas the United States is facing a deep economic crisis that has caused millions of American workers to lose their jobs;

Whereas the collapse of the American automotive industry would have dealt a devastating blow to an already perilous economy;

Whereas on December 19, 2008, President George W. Bush stated: ''The actions I'm announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our Nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination, and bounce back from tough times and emerge stronger than before.'';

Whereas on March 30, 2009, President Barack Obama stated: ''We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people . . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.'';

Whereas the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the Nation;

Whereas the Federal Government will work to protect the investment of the American taxpayers;

Whereas the Federal Government will not intervene in the day-to-day management of General Motors or Chrysler; and

Whereas the Federal Government shall closely monitor General Motors and Chrysler to ensure that they are responsible stewards of taxpayer dollars and take all possible steps to expeditiously return to viability: Now, therefore, be it

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SA 1420. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Amend the title so as to read: ''A resolution expressing the sense of the Senate that the investment by the Federal Government in the American automotive industry is temporary.''.

SA 1421. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant any immigration benefit unless—

(1) a background check is completed on the alien who requests the immigration benefit;

(2) all the results of such background check have been received and reviewed by United States Citizenship and Immigration Services; and

(3) the results of such background check do not preclude the granting of such immigration benefit.

SA 1422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security and the Department of Justice to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives;

(4) the Committee on the Judiciary of the House of Representatives;

(5) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(6) the Committee on Homeland Security of the House of Representatives.

SA 1423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 10, insert '': *Provided further*, That amounts provided under this heading shall be used to complete not fewer than 330 miles of at least double-layer fencing along the southwest border'' before the period at the end.

SA 1424. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike lines 20 through 25, and insert the following:

(1) $970,000,000 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 made available under this paragraph, $80,000,000 shall be for Operation Stonegarden: *Provided further*, That the amount appropriated under title I for departmental management and operations is hereby reduced by $20,000,000.

SA 1425. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. GRANTS FOR INDIAN TRIBES.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security may award grants to eligible Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration, smuggling, and drug trafficking.

(b) ELIGIBILITY.—An Indian tribe is eligible to receive a grant under this section if the Indian tribe provides officials of the Department of Homeland Security with—

(1) access to independent districts within an Indian tribe with land adjacent to an international border of the United States for placement of equipment;

(2) authority to construct adequate patrol roads on tribal lands; and

(3) authority to install necessary physical barriers on tribal lands.

(c) USE OF GRANT FUNDS.—Grants awarded under this section shall be used in areas in which the recipient tribe is cooperating with the Department of Homeland to support—

(1) law enforcement;

(2) border security; and

(3) environmental and tribal preservation efforts, if necessary.

(d) APPROPRIATION.—There is appropriated $5,000,000 for grants under this section.

(e) OFFSET.—The amount appropriated under title I for departmental management and operations is hereby reduced by $5,000,000.

SA 1426. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 6 and all that follows through page 11, line 22 and insert the following:

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; $5,390,100,000, 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 $1,000,000,000 shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: *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, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: *Provided further*, That funding made available under this heading shall maintain a level of not less than 34,400 detention beds through September 30, 2010: *Provided further*, That of the total amount provided, not less than $2,569,180,000 is 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 nothing under this heading shall prevent U.S. Immigration 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 the amount appropriated under title I for departmental management and operations is hereby reduced by $30,000,000.

SA 1427. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike line 15 and all that follows through page 32, line 11, and insert the following:

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,097,200,000 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.

(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, $20,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) $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).

(5) $15,000,000 shall be for the Citizen Corps Program.

(6) $356,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1182), of which not less than $25,000,000 shall be for Amtrak security, and not less than $6,000,000 shall be for Over-the-Road Bus Security Assistance.

(7) $350,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(8) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(9) $50,000,000 shall be allocated for grants, contracts, cooperative agreements and other such activities under the Driver's License Security Grants Program, pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13) or 232(b)(15) of the Homeland Security Act of 2002 (6 U.S.C. 162(b)(15)).

(10) $30,000,000 shall be allocated for the establishment of cooperative exchange of electronic vital event verification information among the State Motor Vehicle Administrators and carried out by the Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services, and in consultation with State vital statistics offices and appropriate Federal agencies: Provided, That the amount appropriated under title I for departmental management and operations is hereby reduced by $30,000,000.

SA 1428. Mr. HATCH (for himself, Mr. MENENDEZ, Mr. NELSON of Florida, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to 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; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. IMMIGRATION PROVISIONS.

(a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.—

(1) EXTENSION.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(27)(C)(ii)), as amended by section 2(a) of the Special Immigrant Nonminister Religious Worker Program Act (Public Law 110–391), is amended by striking ''September 30, 2009'' each place such term appears and inserting ''September 30, 2012''.

(2) STUDY AND PLAN.—Not later than the earlier of 90 days after the date of the enactment of this Act or March 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by the Department of Homeland Security against noncompliant program participants and future noncompliant program participants.

(3) PROGRESS REPORT.—Not later than the earlier of 90 days after the submission of the report under subsection (b) or June 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in reducing the number of noncompliant participants of the Special Immigrant Nonminister Religious Worker Program.

(b) CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(c) RELIEF FOR ORPHANS AND SPOUSES OF UNITED STATES CITIZENS.—

(1) AMENDMENT.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(A) by inserting ''or, if married to such citizen for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit'' after ''for at least 2 years at the time of the citizen's death''; and

(B) by adding at the end the following: ''For purposes of this subsection, an alien who was the child or parent of a citizen of the United States on the date of the citizen's death shall be considered to remain an immediate relative after such date if the alien parent files a petition under section 204(a)(1)(A)(ii) not later than 2 years after such date or the alien child files such a petition before reaching 21 years of age.''.

(2) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) is amended by adding at the end of the following: ''An alien parent or child described in the fourth sentence of section 201(b)(2)(A)(i) also may file a petition with the Attorney General under this subparagraph for classification of the alien under such section.''.

(3) SPECIAL RULE FOR ORPHANS AND SPOUSES.—In applying section 201(b)(2)(A)(i) of the Immigration and Nationality Act, as amended by paragraph (1), to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may file the classification petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(4) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined in section 201(b)(2)(A)(i) of the Immigration and Nationality Act) due to the death of the alien's citizen relative—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(d) ADJUSTMENT OF STATUS.—

(1) SURVIVING SPOUSES, PARENTS, AND CHILDREN.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) APPLICATION FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

''(1) IN GENERAL.—An alien described in paragraph (2) who applies for adjustment of status before the death of the qualifying relative may have such application adjudicated as if such death had not occurred.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

''(A) is an immediate relative (as described in section 201(b)(2)(A));

''(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203); or

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)).''.

(2) REFUGEES.—Section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1259(b)) is amended by adding at the end the following ''An alien who is the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3) who applies for adjustment of status before the death of a qualifying relative may have such application adjudicated as if such death had not occurred.''.

(3) AFFIDAVIT OF SUPPORT BY JOINT SPONSOR.—Section 212(a)(4)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by inserting '', or if the petitioning relative has died, a joint sponsor (as described in section 213A(f)(2)) has executed an affidavit of support with respect to such alien, in accordance with section 213A'' before the period at the end.

(e) TRANSITION PERIOD.—

(1) IN GENERAL.—Notwithstanding a denial of an application for adjustment of status for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(2) ELIGIBILITY FOR PAROLE.—If an alien described in section 245(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1255(n)(2)) was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as a relative or beneficiary due to the death of the alien's relative—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(f) PROCESSING OF IMMIGRANT VISAS AND DERIVATIVE PETITIONS.—

(1) IN GENERAL.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended—

(A) by striking ''After an investigation'' and inserting the following:

''(1) IN GENERAL.—After an investigation''; and

(B) by adding at the end the following:

''(2) DEATH OF QUALIFYING RELATIVE.—

''(A) PENDING PETITIONS.—Any alien described in subparagraph (C) whose qualifying relative died after filing a petition (or, in the case of a refugee or asylee, after filing a relative petition), may have such petition or immigrant visa application adjudicated as if such death had not occurred.

''(B) APPROVED PETITIONS WHERE AN IMMIGRANT VISA HAS BEEN ISSUED.—An immigrant visa or relative petition shall remain valid notwithstanding the death of the qualifying relative.

''(C) ALIEN DESCRIBED.—An alien described in this subparagraph is an alien who is—

''(i) an immediate relative (as described in section 201(b)(2)(A));

''(ii) a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

''(iii) a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

''(iv) the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3)).''.

(2) APPROVED PETITIONS.—Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended by adding at the end the following: ''The death of a petitioner or primary beneficiary shall not constitute good and sufficient cause to revoke the approval of any petition.''.

(3) TRANSITION PERIOD.—

(A) IN GENERAL.—Notwithstanding a denial or revocation of an application for an immigrant visa for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(B) INAPPLICABILITY OF BARS TO ENTRY.—Notwithstanding section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)), an alien's application for an immigrant visa shall be considered if the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act.

(g) NATURALIZATION.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting ''(or, if the spouse is deceased, the spouse was a citizen of the United States)'' after ''citizen of the United States''.

(h) REDUCTION OF IMMIGRANT VISA NUMBERS.—For purposes of applying the numerical limitations in sections 201 and 203 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1153), aliens granted adjustment of status or immigrant visas under this section, or the amendments made by this section, shall be subject to the numerical limitations contained in such sections 201 and 203, except that—

(1) the total number of visas made available for aliens whose qualifying relative died more than 10 years before the date of the enactment of this Act shall not exceed 100; and

(2) aliens described in the amendment made by subsection (c)(1)(A) shall be given priority for receiving such visas.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to all petitions or applications described in such amendments that—

(1) are pending as of the date of the enactment of this Act; or

(2) have been denied, but would have been approved if such amendments had been in effect at the time of adjudication of the petition or application.

SA 1429. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, beginning on line 4, strike all through line 14 and insert the following:

SEC. 534. None of the funds made available in this Act or any other Act for U.S. Customs and Border Protection or any other agency 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) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

SA 1430. Mr. SANDERS (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FIREFIGHTER ASSISTANCE GRANTS AND RECRUITMENT AND RETENTION GRANTS.

For an additional amount for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' under the heading ''FEDERAL EMERGENCY AND MANAGEMENT AGENCY'' under title III there are appropriated $100,000,000, of which $50,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $50,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a) : *Provided*, That of the $50,000,000 made available under this section to carry out section 34 of that Act (15 U.S.C. 2229a), $20,000,000 shall be available for recruitment and retention grants under that section. The total amount of appropriations under the heading ''RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS'' under the heading ''SCIENCE AND TECHNOLOGY'' under title IV of this Act is reduced by $100,000,000.

SA 1431. Mr. BENNET submitted an amendment intended to be proposed to

amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, insert ": *Provided*, That of the total amount appropriated under this heading not more than $55,235,000 may be expended or obligated, unless not later than 180 days after the date of enactment of this Act the Department of Homeland Security implements the recommendations outlined in the Independent Auditor's Report contained within the Department of Homeland Security's Office of Inspector General's report # OIG-09-72, dated May 2009" before the period.

SA 1432. Mr. KYL (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to 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; as follows:

On page 33, line 10, strike "no less" and all that follows through "Montana;" on line 12.

SA 1433. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PROPER AWARDING OF INCENTIVE FEES FOR CONTRACT PERFORMANCE

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SA 1434. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

COMPETITIVE BIDDING

SEC. ____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award such grant uses competitive procedures to select the grantee or award recipient.

SA 1435. Mr. PRYOR (for himself, Mr. HATCH, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds appropriated by this Act may be used by U.S. Customs and Border Protection to prohibit the importation of certain knives with spring-assisted opening mechanisms.

SA 1436. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. IMPLEMENTATION OF THE POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.

For an additional amount under the heading "MANAGEMENT AND ADMINISTRATION" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under title III of this Act, there is appropriated $35,000,000 for implementation of the requirements of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1395), and the amendments made by that Act. The total amount of appropriations under the heading "DISASTER RELIEF" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under title III of this Act is reduced by $35,000,000.

SA 1437. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 15, insert ": *Provided further*, That of the total amount appropriated under this heading, $22,100,000 shall be available to ensure the capability of the United States Secret Service to communicate securely with the White House Communications Agency" before the period.

SA 1438. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a demonstration program that is consistent with the technology acquisition and dissemination plan submitted under section 7201(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3810) to test the feasibility of using existing automated document authentication technology at select immigration benefit offices, and ports of entry to determine the effectiveness of such technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) From amounts appropriated under the heading "U.S. CUSTOMS AND BORDER PROTECTION" and under the subheading "SALARIES AND EXPENSES", not more than $1,000,000 may be expended to carry out the demonstration program described in subsection (a).

(c) Not later than 90 days after the date on which the demonstration program under subsection (a) is completed, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) a report on the results of the demonstration program.

SA 1439. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FLORIDA LONG-TERM RECOVERY OFFICE.

None of the funds made available under this Act may be used to close the long-term recovery office of the Federal Emergency Management Agency located in Florida until 60 days after the date on which the Administrator of the Federal Emergency Management Agency—

(1) determines that there are insufficient recovery activities to be performed at the office relating to the hurricanes that affected Florida during 2004 and 2005; and

(2) notifies the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives regarding the closure of the office.

SA 1440. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INVESTIGATIONS INVOLVING FEDERAL ASSISTANCE PROGRAMS AND FINANCIAL INSTITUTIONS.

For an additional amount under the heading "SALARIES AND EXPENSES" under the heading "UNITED STATES SECRET SERVICE" under title II there is appropriated $10,000,000 for investigations involving Federal assistance programs and financial institutions, including the enforcement of laws relating to mortgage fraud, as authorized under section 3(d) of the Fraud Enforcement Recovery Act of 2009 (Public Law 111–21; 123 Stat. 1620). The total amount of appropriations under the heading "OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT" under title I of this Act is reduced by $10,000,000.

SA 1441. Mr. MENENDEZ submitted an amendment intended to be proposed

to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 3, insert ": *Provided further*, That none of the funds made available under the preceding proviso may be expended, unless the Administrator of the Federal Emergency Management Agency designates New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System'' before the period.

SA 1442. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FLOOD MAP AND FLOOD RISK PROJECTS.

(a) FINDINGS.—Congress finds that—

(1) Risk MAP products are very important on many fronts because the products are used by insurance companies, State and local governments, and the Federal Government, to develop improved understandings of flood risk and other hazard information to mitigate loss;

(2) local regions have unique characteristics and flooding issues that are best understood by local companies who have worked on flood maps in the region;

(3) the intimate understanding of a region helps local companies produce a superior product;

(4) small and medium-sized businesses form the backbone of the economy, providing more net new jobs than large companies; and

(5) current unemployment rates combined with a severe economic slowdown make it even more important to foster small and medium-sized businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Emergency Management Agency should ensure that small and medium-sized businesses with local expertise be allowed to continue flood map and flood risk projects within the region small businesses currently hold Indefinite Delivery/Indefinite Quantity contracts.

SA 1443. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. FIRE GRANTS.

For an additional amount under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under title III of this Act, there is appropriated $10,000,000 for grants under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229). The total amount of appropriations under the heading ''AVIATION SECURITY'' under the heading ''TRANSPORTATION SECURITY ADMINISTRATION'' under title II of this Act, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading, and the amount for the purchase and installation of explosives detection systems under the second proviso under that heading are reduced by $10,000,000.

SA 1444. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds appropriated or otherwise made available to the Department of Homeland Security for fiscal year 2010 may be used to enforce Coast Guard or other regulations with respect to fishing guides and other operations of uninspected vessels on Lake Texoma.

SA 1445. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NONNAVIGABILITY OF LAKE TEXOMA.

For purposes of the jurisdiction of the Coast Guard, Lake Texoma, in the States of Texas and Oklahoma, is declared not to be navigable waters of the United States.

SA 1446. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. (a) EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COT GUARD AND OTHER REGULATIONS.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this section does not affect any requirement under State law or under any license issued under State law.

SEC. ____. Section 70105(b)(2)(B) of title 46, United States Code, is amended by inserting ''and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title'' before the semicolon.

SA 1447. Mr. CORNYN (for himself, Mr. PRYOR, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. BARRASSO, Mr. GRAHAM, Mr. ROBERTS, Mr. WYDEN, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, add the following:

SEC. 556. DEFINITION OF SWITCHBLADE KNIVES.

Section 4 of the Act entitled ''An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes'' (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or'' and

(3) by adding at the end the following:

''(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 8, 2009 at 2 p.m., to conduct a hearing entitled ''The Effects of the Economic Crisis on Community Banks and Credit Unions in Rural Communities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. 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 July 8, 2009, in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. 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, July 8, 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

Mrs. MURRAY. 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, July 8, 2009, at 2:30 p.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 10 a.m. in room 215 of the Dirksen Senate Office Building to conduct a hearing entitled ''Climate Change Legislation: International Trade considerations.''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. 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, July 8, 2009, at 10 a.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. 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, July 8, 2009, at 10 a.m. to conduct a hearing titled ''The Federal Protective Service: Time for Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE AND SUBCOMMITTEE ON OVERSIGHT

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife and the Subcommittee on Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 8, 2009 to hold a joint hearing at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 9, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, July 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 95 minutes, with Senator DURBIN controlling the first 5 minutes, the Republicans controlling the next 60 minutes, and the majority controlling the final 30 minutes, and with Senators permitted to speak for up to 10 minutes each; further, I ask unanimous consent that following morning business, the Senate resume consideration of H.R. 2892, the Homeland Security Appropriations Act, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KAUFMAN. Mr. President, under the previous order, shortly after 11 a.m., the Senate will proceed to vote in relation to the Kyl amendment No. 1432. Additional rollcall votes are expected to occur throughout the day as we work toward completion of the bill.

Earlier tonight, the majority leader filed cloture on the Homeland Security appropriations bill and the substitute amendment. As a result, rule XXII requires that all germane first-degree amendments be filed at the desk prior to 1 p.m. tomorrow. The majority leader hopes that cloture will not be necessary and that we will be able to complete action on the bill tomorrow evening.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Thursday, July 9, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

IRENE CORNELIA BERGER, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA, VICE DAVID A. FABER, RETIRED.

ROBERTO A. LANGE, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA, VICE CHARLES B. KORNMANN, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. GARY L. NORTH

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT P. LENNOX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KENNETH W. HUNZEKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PURL K. KEEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. STERLING, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

To be brigadier general

COL. CHARLOTTE L. MILLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

To be major general

BRIG. GEN. JOSEPH B. DIBARTOLOMEO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIE J. WILLIAMS

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding that will benefit the Second Congressional District of Michigan as part of H.R. 2997.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Research Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of $346,000 for fire blight research to be shared by Michigan State University in East Lansing Michigan and Cornell University in New York. Approximately, $184,000 is for the salaries of laboratory and $162,000 for field research personnel and for materials and supplies at Michigan State University. The remaining funds will be allocated to Cornell University in New York. Researchers at both universities will collaborate on findings. Michigan State University has obtained funding from the State of Michigan. Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of $112,0000 in FY10.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 2997

Account: USDA/Cooperative State Research, Education and Extension Services Special Research Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 109 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: Provide $346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research Education and Extension Service.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2847, the Commerce, Justice, and Science Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 2997, Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: CREES

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: Auburn University, 102 Samford Hall, Auburn, AL 36849

Description of Request: ''Precision Agriculture, AL, $419,000''

The funding would be used for the development and implementation of new geospatial tools to allow site-specific management of forestry and agriculture land along with alternative crops for bioenergy production.

Taxpayer Justification: The project has allowed the investigation of new technology and management practices to increase the efficiency of production. Results have led to establishing the best approach to implement precision agriculture/forestry technology and strategy while improving environmental stewardship. Differences in soil conditions, for example, can allow a reduced, and targeted, amount of fertilizer to be used. The requested level of funding is $650,000 budgeted in the following manner: $435,000 for personnel; $65,000 for equipment; $75,000 for supplies; $75,000 for travel.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman MIKE ROGERS (MI–08)

Bill Number: H.R. 2996

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: The City of Lansing

Address of Requesting Entity: Lansing Board of Water & Light located at 1232 Haco Drive, Lansing, Michigan, USA

Description of Request: Provide an earmark of $500,000 for a more energy efficient drinking water system in Lansing, Michigan. The purpose of this funding would be to construct a more energy efficient drinking water system. This project would reduce energy use and costs through the deployment of energy efficient technologies on the drinking water system. Since the drinking water system is one of the largest electric users in Lansing, these changes are expected to cut energy use for water pumping by 20% and as a result, bring down utility costs. 20% of the federal funding will be used for project engineering, 40% for equipment purchases, and the remaining funds will be used for the installation of energy efficiency technology and improvements in the drinking water system.

Requesting Member: Congressman MIKE ROGERS (MI–08)

Bill Number: H.R. 2996

Account: United States Environmental Protection Agency's Science and Technology Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: Consortium for Plant Biotechnology Research, Inc., Georgia at P.O. Box 20634, St. Simons Island, Georgia, USA

Description of Request: Provide an earmark of $1,000,000 for clean energy research for the Consortium for Plant Biotechnology Research. This funding would be used for research at Michigan State University and commercialization for clean energy, national energy security, and a cleaner environment. The purpose of this project is to fund research and technology transfers that have applications to energy security and the reduction of greenhouse gases through developing technologies in renewable energy, biofuels, ''green'' chemicals, and industrial manufacturing processes. Approximately 8% of the federal funds will be used for peer reviewed competitions and 92% is for research projects.

PROVIDING FOR DESIGN OF SLAVE LABOR MARKER IN CAPITOL VISITOR CENTER

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. AL GREEN of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 135, a resolution which pays tribute to the contributions of African American slave laborers in the building of the United States Capitol.

We owe a great debt to the enslaved African Americans who played an instrumental role in the construction of the United States Capitol. Their labor was responsible for erecting this massive building, a place where the hopes and dreams of this nation are represented, voiced, and debated each and every day.

Thank you to my colleague, Congressman JOHN LEWIS, for introducing this resolution which directs the Architect of the Capitol to place a historical marker in the Capitol Visitors Center to acknowledge the toils of slaves who helped construct the U.S. Capitol.

The history of this country and her most enduring symbol of democracy, the United

States Capitol, cannot be told without fully and accurately reflecting the contributions of enslaved African-Americans. According to the History of Slave Laborers in the Construction of the United States Capitol report, there is documentation that slave labor was employed from 1795 to 1801 for the construction of this building. African American slaves participated in almost every aspect of construction of the U.S. Capitol, completing such tasks as removing tress, quarrying stone, painting, and roofing. Evidence of their work can be seen in the columns of Statuary Hall and the Old Senate Chamber. Their story is a story that must be told for it is our collective story, the great American story.

After nearly 200 years, it is time for America to acknowledge these individuals who contributed to one of our nation's symbols of freedom while never having the opportunity to experience it themselves. Constructing a historical marker that includes the original stone used to build the Capitol is an outstanding tribute to African American slaves that will teach all who visit the Capitol of our nation's past as well as her future.

I ask my colleagues to join me in honoring and recognizing the work of enslaved African Americans in the building of the U.S. Capitol by voting in support of this important resolution.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriation projects I sponsored as part of H.R. 2997, FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Agency/Account: National Institute of Food and Agriculture RE/FA

Amount: $1,730,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

The Cotton Production and Research Center is a multidisciplinary cotton research program for the Southwest cotton production region that serves as a market and policy analysis program for natural fibers. The research focuses on maximizing efficiency for regional and U.S. cotton production, marketing and trade. Overall, the project goals are to: develop new information and technologies, increase cotton and textile production, reduce costs, improve market efficiency, increase exports, and improve the U.S. textile industry's global competitiveness.

Agency/Account: National Institute of Food and Agriculture RE/FA

Amount: $946,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

The International Center for Food Industry Excellence proposes to build upon the expertise available at Texas Tech University and its collaborating institutions. Center-affiliated researchers will develop and evaluate food innovations that improve the security, safety, functional properties, nutritional quality, eating quality, and consumer acceptance and production characteristics of food available to U.S. consumers. Center scientists engage in innovative research across the farm-to-table continuum to improve food safety, expand uses for existing commodities and identify consumer behaviors and attributes that influence food acceptability and marketability.

Agency/Account: National Institute of Food and Agriculture SRG

Amount: $515,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

The Great Plains Sorghum Improvement and Utilization Center will build on the Kansas Sorghum Improvement Center, initiated in 2001, by pooling and integrating the research and extension resources for sorghum improvement, utilization, production and marketing located at Kansas State University, Texas Tech University, and Texas A&M University (including USDA–ARS scientists located on those campuses with assigned sorghum responsibilities). Efforts among the three institutions will be integrated to bring new technologies and knowledge together and focus on improvement of profitability in each stage of sorghum production, processing, and marketing.

CONGRATULATING VEVAY, INDIANA

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HILL. Madam Speaker, on April 15th, CBS's Early Show announced Budget Travel Magazine's Top 10 ''America's Coolest Small Towns'', ranking Vevay, Indiana, Number 4. I would like to give my heartfelt congratulations to the Vevay community and all of Switzerland County.

Vevay was selected based on the ''quality of life, arts and restaurant scenes and proximity to nature'' of the town. The Swiss Wine Festival, events such as First Fridays and Second Saturdays, art galleries, and local restaurants all contributed to receiving this honor. Close to 8,000 people voted for Vevay.

As Vevay's representative in Congress, I can certainly attest to its merit in winning this award. I always enjoy visiting Vevay, and while biased, think it should have been ranked Number 1!

Again, congratulations to the residents of Vevay. This distinction is much deserved, and I am proud to represent you in the Ninth District.

REMEMBERING MICHAEL JACKSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. RANGEL. Madam Speaker, I rise today to commemorate a consummate performer, Michael Jackson, a man whose music bridged racial and generational divides, whose generous charity combated global poverty, whose kind and gentle spirit endeared him to millions. Thousands of people gathered outside the historic Apollo Theatre in my district last week, standing for hours to enter an at-times raucous, at-times somber memorial to the late singer. Along with Rev. Al Sharpton, film director Spike Lee, and Apollo President and CEO Jonelle Procope, I joined a packed crowd of Jackson fans on the very stage he began his career in 1967, winning the Apollo's Amateur Night contest with his four brothers, the Jackson Five. We were there because his singing and dancing remain unmatched. We were there because he was as much an institution in our community as the legendary theatre we sat in. We were there because, all over this world, his love and warmth should and will be maintained.

As a young boy who dreamt big and often, Michael Jackson sustained a decades-long career he began as a child in Gary, Indiana. He is a testament to young people everywhere that dreams are worth pursuing—regardless of their size or scope. In this America, all great things are possible. He grew up before us all, adapting his style to match each passing decade and leaving a series of catchy, easily recognizable hits along the way. Jackson's music captured our imagination and never let go. His records are gifts he has left us and our posterity as remnants of a time that will live on in American history.

As a person of color, who came to be highly regarded by Americans of all colors, he opened the door for other minorities to dare to achieve big. His music and dance moves were welcomed into living rooms across the country, without regard to his race. It was a harbinger of great things to come—Tiger Woods remains the best athlete in a sport not known for its diversity, the Top 40 Billboard charts feature a mix of Black and White musicians alike, and last January, we inaugurated this country's first African American President. His legacy eclipses its impact on the recording industry, the entertainment business, or even Hollywood—his life taught us an important lesson about race, about hard work, and about ourselves.

EARMARK DECLARATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847 Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2487

Account: Department of Justice, Byrne Discretionary Grants

Amount: $500,000

Project: Human Trafficking Initiative

Requested by: St. Thomas University. 16401 NW 37th Avenue Miami Gardens, FL 33054

St. Thomas University seeks support for an initiative that will provide essential educational and training services to law enforcement, immigration services, government employees directly involved with service providing to trafficking victims, as well as to private organizations and individuals as well as to generate

awareness of this growing problem in the general public. The School of Law is committed to human rights dedicated to training the next generation of human rights leaders and advocates through its LL.M. and J.S.D. Programs in Intercultural Human Rights, and through the direct services of the Human Rights Institute.

A three-week winter academy is proposed to be held annually on the STU campus. It will include lectures and training on practical issues (such as how to identify victims of human trafficking, how to collect data on human trafficking, how to diversify treatment of victims for different cultures, laws and relief services available, etc.) simulating different agency work governmental and non-governmental, with potential visits to pertinent agencies to gain hands on experience. The participants interested in receiving a certificate on human trafficking will sit for a final exam. In order to increase the community outreach goal of the program, a free lecture open to the public at large, will be offered that will focus on the local human trafficking problem. The last segment of the academy will be a mini-conference where local and/or national voices, and the best experts in the field will be featured.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2487

Account: Department of Justice, Byrne Discretionary Grants

Amount: $500,000

Project: City of Miami Beach Afterschool Gang and Drug Prevention Program

Requested by: City of Miami Beach. 1700 Convention Center Drive Miami Beach, FL 33139

The primary goal of the Teen Club is to prevent and reduce delinquent behavior and keep the community's at-risk youth in a positive environment to foster personal growth and encourage teens to become well-rounded individuals through the accumulation of new skills, awareness, and knowledge. Moreover, the program's aim is to promote health relationships that facilitate social skill development, decrease teen substance and alcohol abuse, and increase quality programming offerings that appeal to teenage youth. As a result, the participants involved in the Teen Club are less likely to entertain outside and detrimental participation in other unsupervised activities, including involvement in gangs and/or drugs. Current enrollment figures demonstrate more participants return for subsequent years in the program.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2487

Account: Department of Justice, Juvenile Justice

Amount: $500,000

Project: ARISE Life-Management Skills Intervention/Re-entry Program for High Risk Youth

Requested by: The ARISE Foundation. 824 US Hwy 1 North Palm Beach, FL 33408

ARISE serves approximately facilities in all 23 Florida congressional districts, including the Miami Dade Juvenile Detention Center in Miami. Over 156,618 hours of Life-Skills lessons have been taught at this facility. A recent study by Professor Mark A. Cohen, Vanderbilt University, December 2007, demonstrates why it is so important to target high-risk youth. Year by Year Costs Imposed by High Risk Offenders Cohen shows that the cost of one offender with at least six police contacts from childhood to age 32 totals $3,172,998 in 2007 dollars, In other words, saving one child saves taxpayers more than 3 million. By comparison, the ARISE program costs $1.70 per hour per youth. Stopping the cycle of crime and gang violence by helping this population learn the skills necessary to succeed in life is an investment in our children and in our communities, with the potential to save millions of dollars tomorrow.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2487

Account: Department of Justice, Juvenile Justice

Amount: $200,000

Project: At-Risk Youth and Child Abuse Prevention Program

Requested by: Ohel Children's Home and Family Services. 4233 Sheridan Road Miami Beach, FL 33140.

This program engages at-risk youth in elementary and high schools to enhance their social and emotional functioning, as well as prevent and treat risky behaviors, including those that often lead to addictions and violence. The program includes school-based services, community education, and teacher training. The programs interact with student and include the use of role playing, small discussion groups, videos and modeling exercises that use current topics of discussion. Training is provided for teachers, guidance counselors and principals, and workshops for parents emphasize communication with children. Through community seminars, Ohel offers public forums for parents, educators, and community leaders on topics including self esteem, conflict resolution (bullying, anger management, etc.), relationship building (social skills training, peer pressure, etc.), and prevention of at-risk behaviors such as addictions, eating disorders, gambling and abuse. This program is a valuable use of taxpayer funds in that it prevents at-risk behaviors from spiraling into juvenile delinquency. In addition, the program assists children who are the victims of abuse or who are confronted with challenging circumstances in their lives so that these experiences do not lead to ongoing, destructive behavior. Further, the program benefits the federal government by putting at-risk kids back on a successful track and thus saving significant federal expenditures by keeping them out of the juvenile justice system.

RECOGNIZING ROBERT STEPHENSON, MICHIGAN TEACHER OF THE YEAR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROGERS of Michigan. Madam Speaker, today I rise to pay tribute to Robert Stephenson on his selection as Michigan's 2009–2010 Teacher of the Year.

Over his 15-year teaching career, Robert Stephenson has helped to inspire and enlighten students across Mid-Michigan. Stephenson, a third grade teacher at Wardcliff Elementary School in East Lansing, was selected from 20 regional finalists statewide. The award recognizes excellence in teaching and aims to provide teachers with the opportunity to interact with policymakers, provide a public voice for educators, and focus public attention on the importance of teachers.

Using a hands-on approach, Stephenson's classroom activities engage students at a higher intellectual level. He is a role model to all his students and colleagues as he uses new and innovative teaching techniques to provide students a better learning experience.

Stephenson joins a unique class of teachers from Mid-Michigan. He is the fifth teacher from Mid-Michigan to receive this award in the last 29 years, and the fourth from Michigan's Eighth district in the last 10 years.

Madam Speaker, education is the cornerstone of our future and great teachers lay the foundation for our comminutes. I wish to extend my gratitude to Robert Stephenson for his many years of service to the students in Michigan. I ask my colleagues to join me in recognizing Mr. Stephenson for his years of dedication to teaching and his recent selection as Michigan's Teacher of the Year.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for one project authorization request that I made and which was included within the text of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010.

Project: High Density Power Conversion and Distribution Equipment

Project Amount: $5 million

Account: Research and Development—Navy.

Legal Name of Requesting Entity: L–3 Westwood Corporation

Address of Requesting Entity: 12402 East 60th Street Tulsa, OK 74146.

Description of Request: Navy power switchboard technology has remained essentially the same for nearly 50 years. This technology is passed largely on past Navy applications (with lower power needs) and commercial practices (which are less volume and weight sensitive). The Navy's power needs (e.g., sensors, weapons, house loads) have escalated and the newest power architecture designs have added additional concerns (e.g., higher frequencies), but the size and weight of the power distribution equipment are still limited. The inline switchboard technology simplifies the switchboard arrangement to greatly decrease size, weight, and lifecycle cost. In summary, this will provide the Navy with technology that will result in $0.25M/per year per destroyer/cruiser in maintenance savings plus an additional $1 million per ship in overhaul savings. Additional savings are estimated in size and weight at 50 tons per ship and a space savings of 1000 sq.ft. Fuel savings due to the decreased weight are anticipated to be significant given the cost of fuel.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2997

Account: Rural cooperative development Grants

Name and Address: National Center for Appropriate Technology, 3040 Continental Dr., Butte, MT 59701

Appropriate Technology Transfer for Rural Areas (ATTRA) provides information, educational resources and technical assistance to farmers, ranchers, and agricultural information providers across the U.S., with a special focus on sustainable ag technologies, farm energy, and information on marketing and adding value to farm products.

Amount: $2,582,000

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2997

Account: Buildings and facilities

Name and Address: Montana State University—Bozeman, 202 Linfield Hall, Bozeman, MT 59717

The progressive evolution of animal and range sciences has generated increasingly complex opportunities for research, teaching and outreach. The Animal Biosciences Research Facility will use the bovine genome sequence to identify ways to improve economic and environmental sustainability in the production of safe, high quality and consistent beef products by: identifying genes and their function; developing tools to control disease; improving nutrient utilization, management and production efficiency; and enhancing the nutrient composition of a safe supply of beef for the consumers in the United States and abroad.

Amount: $3,654,000

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2997

Account: Science and Research Grant

Name and Address: Montana State University & National Barley Improvement Committee, 209 Plant Biosciences Building, Montana State University, Bozeman, MT 59717

This project addresses the critical need of growers in production agriculture to increase economic yield and on-farm income, enhance domestic and international market access, improve production technologies, and better compete with Canadian and European barley and barley value-added imports, and with Australia, Canada, and Europe in world export markets.

Amount: $514,000

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2997

Account: Science and Research Grants

Name and Address: Montana State University—Bozeman, 202 Linfield Hall, Bozeman, MT 59717

B. abortus is a communicable disease that has already affected Montana's livestock industry and will continue to pose future threats until improved vaccines are developed. Montana must regain its Brucella-free status in order for the livestock industry to prosper. Furthermore, the presence of Brucella abortus in YNP poses a biosafety hazard to tourists that could impact the state's tourism industry, particularly, for southwestern Montana. Thus, efforts spearheaded by MSU are warranted, and the development of novel vaccines and study of livestock and bison immune responses will have a tremendously positive impact for Montana agriculture.

Amount: $305,000

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2997

Account: Science and Research Grants

Name and Address: Montana State University—Bozeman, 202 Linfield Hall, Bozeman, MT 59717

Improving beef quality depends upon: (1) assisting producers with selection and management techniques to produce cattle that fit customer expectations for marbling, red meat yield and weight, (2) developing a cattle ID system that facilitates data collection and information feedback and reduces reliance on hot-iron branding and (3) continuing to develop and apply technology to enhance the safety of beef. The Montana Beef Network addresses each of these areas. Montana's beef cattle industry generates approximately $900M dollars in yearly income and accounts for approximately one-half of the state's total agricultural income. The stockgrowers of the state own approximately 1.6 million beef cows. It has been suggested that in the future, producer ability to market calves may require process verification of calves from birth until slaughter, so that vaccination history, breed, age and weight can be factored into subsequent management programs to guarantee food safety and ensure product quality and consistency.

Amount: $682,000

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2997

Account: EPA—Salaries and expenses

Name and Address: The Montana Department of Livestock, PO Box 202001, Helena, MT 59620–2001

To conduct brucellosis prevention, surveillance, control and eradication activities in Montana and the Greater Yellowstone Area (GYA), and to develop and implement brucellosis herd unit management plans.

Amount: $650,000

CONGRATULATING THE SOCORRO BULLDOGS BASEBALL TEAM

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. REYES. Madam Speaker, I rise today to congratulate the Socorro High School baseball team for winning the 2009 Texas 5A State Baseball Championship. The Socorro High Bulldogs ended their championship season with an impressive record, becoming the second team in El Paso history to bring home the coveted state title.

The team was tested by fierce competitors from across the great State of Texas, one of the most competitive states in the entire nation for high school baseball. As the post-season progressed, the Bulldogs fended off tough challengers and finished with an impressive 35–4 record.

On Saturday, June 13th, the Bulldogs had their toughest test this year when they faced the Lufkin Panthers in the state championship game at the Dell Diamond in Round Rock, Texas, and were down 2–0 in the game's early innings. The talented young men on the Socorro Bulldog team never wavered and forged an impressive come-from-behind victory.

I am extremely proud of the dedication, determination, sportsmanship, and discipline of this talented baseball team and their Coach Chris Forbes. The members of this championship team are to be commended for their drive and perseverance. The 2009 team members include: Tavi Amparan, Chuy Diaz, Cory Falvey, Roger Favela, Chris Guzman, Eric Herrera, Bobby Mares, Sergio Mendoza, Marcus Molina, Armando Muniz, Jessirey Navarrete, Aaron Olivas, Josh Rodriguez, Rene Rodriguez, Oscar Sandate, Ivan Sigala, Angel Soria, George Stoltz, and Luis Yanez.

Head Coach Chris Forbes and his great team of assistant coaches, Joe Alvarez, Adrian Garcia, Federico Contreras, and Herbert Reyes, were the masterminds behind the team's success. Coach Forbes, in particular, instilled a sense of hard work and discipline that kept the players motivated throughout the regular season and post-season. As part of his 25-year career in coaching, the former Austin High School baseball player has taken Socorro to 20 playoff appearances. Coach Forbes also boasts the most wins (576) of any varsity baseball coach in El Paso.

The Bulldogs' championship title energized El Paso sports fans, as over a thousand parents and members of the community made the long journey to Round Rock to cheer the team to victory. This team will forever be remembered for its historic victory that brought the State Championship Trophy to El Paso, 60 years after the storied Bowie Bears baseball team achieved the same feat in 1949. I am proud to join my constituents from the 16th District of Texas in commending the Socorro Bulldogs baseball team for a job well done.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 302 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of $384,000 for the detailed investigation of the

most promising technologies to determine the value proposition that is needed to interest commercial partners in the further development of bio based production of fuels, chemicals, and materials. Approximately, $150,000 is for salaries; $150,000 is for materials and supplies; and $84,000 is for equipment purchases and travel costs.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of $346,000 for fire blight research to be shared by Michigan State University in East Lansing Michigan and Cornell University in New York. Approximately, $184,000 is for the salaries of laboratory and $162,000 for field research personnel and for materials and supplies at Michigan State University. The remaining funds will be allocated to Cornell University in New York. Researchers at both universities will collaborate on findings. Michigan State University has obtained funding from the State of Michigan, Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of $112,000 in FY10.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824 Description of Request: Provide funding for $104,000 for research of Armillaria Root Rot. Approximately, $70,000 is for the salaries of laboratory researchers; $13,000 is for operating costs; $1000 is for travel to field sites; and $20,000 is for equipment necessary.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of $246,000 for research of Bovine Tuberculosis. Approximately, $174,000 is for Salaries and support for 3 graduate students; $60,000 is for Laboratory supplies; and $12,000 for research related travel. Michigan State University will provide $127,500 in-kind funding.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of $147,000 to improve fruit practices for sugar beets and dry beans. Approximately, $100,000 is for salaries and expenses and $47,000 is for lab maintenance and equipment. In addition to the federal funds provided by this grant, this research is supported by personnel, equipment, and facilities funded by the Michigan agricultural Experiment Station and Michigan State University Extension.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of $266,000 to enhance the environmental sustainability of food and agricultural systems under research at Michigan State University. Michigan State University expects to leverage at least $150,000 in state, local, and private funds to expand the impacts of the special grant. Approximately, $285,000 is for salaries of 11 researchers; $15,000 is for travel expenses; $10,000 is for farmer stipends; $25,000 is for materials and supplies; and $81,000 is for communication and outreach.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of $4,545,000 for wood utilization research with Michigan's share being $728,545. The requested funds will be used for salaries of key personal and graduate students. Grant funds will also be used to purchase equipment, materials and supplies needed. Michigan State University provides in excess of $500,000 in support of this project annually through use of lab space, equipment, and personnel assigned to the project.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of $346,000 for Phytophthora Capsici Research to reduce the loss experienced by Michigan vegetable growers from this disease Approximately $100,000 will be to fund graduate and undergraduate students and technical staff. $246,000 will be for research, travel and equipment purchases.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: Rural cooperative development grants

Legal Name of Requesting Entity: Appropriate Technology Transfer for Rural Areas (ATTRA)

Address of Requesting Entity: 207 W. Center St., P.O. Box 3657, Fayetteville, AR 72702

Description of Request: The funding would be used for the national sustainable agriculture information service, to offer technical information and assistance to farmers, ranchers and agricultural information providers

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: Rural-Business Cooperative Service

Legal Name of Requesting Entity: University of Arkansas Division of Agriculture

Address of Requesting Entity: 207 E212 AFLS Building, University of Arkansas, Fayetteville, AR 72701

Description of Request: The funding would be used for the continuation of University of Arkansas Division of Agriculture Endophyte Research programs

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: Salaries and expenses

Legal Name of Requesting Entity: National Agricultural Law Center, University of Arkansas School of Law

Address of Requesting Entity: 107 Waterman Hall, Fayetteville, AR 72701

Description of Request: The funding would be used to provide a leading source of objective, scholarly, and authoritative agricultural and food law research and information

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Animal Science Food Safety Consortium, University of Arkansas Division of Agriculture

Address of Requesting Entity: E212 AFLS Building, University of Arkansas, Fayetteville, AR 72701

Description of Request: the funding would be used for the continuation of Animal Science and Food Safety Consortium programs

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: SRG Legal

Name of Requesting Entity: National Consortium for Rural Geospatial Innovations in America, RGIS—Mid-South Center for Advanced Spatial Technologies

Address of Requesting Entity: JBHT 304, University of Arkansas, Fayetteville, AR 72701

Description of Request: The funding would be used for the continuation of University of Arkansas participation in the National Consortium for Rural Geospatial Innovations in America (RGIS)

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Institute of Food Science and Engineering, University of Arkansas Division of Agriculture

Address of Requesting Entity: E212 AFLS Building, University of Arkansas, Fayetteville, AR 72701

Description of Request: the funding would be used to provide multidisciplinary research on value-added processing, safety, nutritional value, packaging, storage, and distribution of food products

HONORING THE LIFETIME ACHIEVEMENTS OF SISTER ALINE ANTIL

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the distinguished and selflessly dedicated contributions of Sister Aline Antil, a native daughter of New Bedford, Massachusetts.

In February of 1959, Ms. Antil first entered the Congregation of the Holy Cross, a spiritual decision that would shape not only her life but those of the countless women, children, and families whom she has touched through her missionary work. Across New England—in North Grosvernordale, Connecticut; in West Franklin, New Hampshire; and in Springfield, Massachusetts—Sister Aline used her infectiously positive attitude and love of learning to instill her elementary- and middle-school-aged pupils with wisdom, knowledge, and the highest moral values.

For the past 37 years, Sister Aline has served in various parts of Haiti, a country whose population depends upon the humanitarian efforts of those compassionate enough to answer the calling. Most recently, she served as principal of Ecole Presbyterale de Fleurenceau, St. Marc, a position she has held in other locations. In a country where most Americans would find conditions appalling, Sister Aline Antil has never looked down on her students with pity. Rather, she has treated them as equals and taken great pride in the opportunity to help them learn, grow, and understand their valuable role in the world.

Sister Aline speaks fluent French, English, and of course, Creole, the native tongue of the people with whom she lives and works. Those who know her well—her family and peers—will tell you that no matter where she is in a room, you'll know her by her laughter. Her optimism and enthusiastic love of life know no bounds, a trait that has allowed her to thrive and brought her comfort under trying circumstances that most of us can only imagine.

As she celebrates her 50th Jubilee this week, Sister Aline Antil deserves the highest praise and recognition for the difference she has made in lives both young and old. Her charitable example is a story of hope, love, and inspiration at a time when we all need it. Thank you, Sister Aline Antil, for your exemplary work. I wish you health, happiness, and all good things in the years to come.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. KING of Iowa. 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. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Natural Resources Conservation Service, Conservation Operations

Amount: $288,000

Legal Name of Requesting Entity: Iowa Soybean Assn.

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: The public now demands from crop producers both increased production of food, fiber, fuel, and other biobased product feedstocks and increased, documented environmental performance to conserve soils, sequester carbon, improve water quality, reduce greenhouse gas emissions, improve energy efficiency and increase wildlife habitat. As independent business persons, farmers in the Upper Mississippi River Basin and across the country need management systems to help them incorporate the best tools of science and business to measure and improve both agronomic and environmental performance while sustaining profitability.

The Iowa Soybean Association's Certified Environmental Management Systems for Agriculture (CEMSA) program has developed and piloted the basic management system and the technical assistance model producers in Iowa, the UMR Basin, and other agricultural regions need to meet these 21st Century demands. Expanding the scale of CEMSA in FY10, integrating individual planning with watershed planning, linking performance reporting to NRCS's system, and documenting and providing aggregated performance data to the soy biodiesel and corn ethanol industry on advances in agriculture's environmental performance and energy efficiency have significant implications in transferability of CEMSA throughout the UMR Basin and in the future of the farm-belt biofuels industry. It benefits farmers by preparing them for participation in USDA conservation programs, helping them improve profitability through better management, helps them effectively implement and evaluate the impact on their business of conservation strategies they hold as top priorities, and verifies their success in achieving environmental and energy efficiency performance gains.

CEMSA is also providing national leadership for advancing production agriculture's environmental performance. It is one of the ISA programs recognized by the National Academy of Sciences National Research Council's study on "Mississippi River Water Quality and the Clean Water Act" as exemplary of the performance-based, public-private partnership projects that should be expanded throughout the UMR Basin.

CEMSA's private sector partnership with a public agency (USDA NRCS) has a positive impact on the agency's ability to fulfill its mission. This multi-year cooperative agreement has facilitated a strong working relationship which helps diffuse private sector innovation in the local, state, and federal offices and expands agency outreach through ISA's multi-level outreach to farmers. This public-private partnership designed specifically for ISA's programs enables flexibility the agency would not have on its own to create resource-centric planning and implementation, rather than program-centric approaches to resources. It has created an effective way to deal with institutional barriers that often hinder effective program implementation, which can best be done by the private sector working with agencies, but is not otherwise supported by the market or by program funding.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Natural Resources Conservation Service, Conservation Operations

Amount: $282,000

Legal Name of Requesting Entity: Hungry Canyons Alliance

Address of Requesting Entity: 712 S. Hwy 6 & 59, Oakland, IA 51560

Description of Request: The goals of Hungry Canyons Alliance are: 1) To provide financial and technical assistance for streambed stabilization projects to the 23 counties of the deep loess region in western Iowa, 2) To conduct research in effective methods of streambed stabilization, and 3) To provide demonstration of streambed stabilization projects for members and for the public. With an estimated construction budget of $1,243,900 for FY10, the HCA will build approximately 18 grade control structures to prevent streambed degradation in western Iowa, protecting $5.27 million in infrastructure and property value and preventing 1.2 million tons of sediment from erosion.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Natural Resources Conservation Service, Conservation Operations

Amount: $134,000

Legal Name of Requesting Entity: Iowa Soybean Assn.

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: The Iowa Soybean Association's Watershed Management and Demonstration Program is a continuing project that links public and private resources and expertise to provide technical assistance to individual farmers, groups of farmers, and other

stakeholders in Iowa watersheds for the purpose of improving agriculture's environmental performance and watershed health. The project design employs science-based applied evaluation tools at field, farm, and watershed level (such as water monitoring, soil sampling, and guided stalk sampling) to collect performance data that can be applied in a feedback loop to the planning process. The project supports expert staff to assist watershed organizations and groups of farmers in developing and maintaining these adaptive management plans and in measuring and reporting performance in optimizing fertilizer use efficiency, remediating agricultural pollutants, decreasing soil erosion, building soil carbon, improving on-farm energy efficiency, reducing greenhouse gas emissions, enhancing wildlife habitat, and maintaining or increasing yield and profitability. Private-public partnerships among agencies, private industry, producers, environmental groups, all levels of government, water utilities, and the university are fundamental to the design of this project, and those functioning partnerships to achieve the above project objectives are a measure of the project's success. This project also enables farmers to engage in watershed leadership and planning, employing their expertise and motivating more effective environmental management practices.

Federal funding will be used to support integration of watershed planning and privately funded conservation practices with planning and performance reporting conducted by USDA NRCS in Iowa; integration of watershed planning with individual producers' conservation planning in targeted watersheds in 4–6 additional targeted watersheds; development and evaluation of solutions to agricultural nonpoint source pollution targeted to prioritized Iowa watersheds; and integration of data collection and reporting focused on soil, atmosphere, and energy conservation as indirect attributes of water quality improvement efforts in agricultural watersheds. One of the greatest challenges to achieving and documenting actual improvements in water quality and watershed health where Rapid Watershed Assessment and Watershed Planning has taken place and where significant farmer participation in conservation planning and implementation is taking place is the lack of sustained funding for planning, technical assistance to farmers and watersheds, and water monitoring implementations. Previous appropriations for this project are helping meet that challenge in at least three major agricultural watersheds in Iowa—Raccoon, Boone, and Iowa River-Upper. FY10 funding will help continue to meet that challenge for the period of time required to achieve and document results and to demonstrate a performance-based model for achieving agronomic, environmental, and economic goals in farm-belt watersheds. The planning and monitoring infrastructure and watershed partnerships developed under previous federal funding are in place, and these appropriations help ensure the necessary scope and scale of implementation and the integration of otherwise discreet programs. The work being done in these watersheds, linked to sophisticated water monitoring and analysis and other resource monitoring tools, can have a significant impact on the ability of farmers and other agricultural watershed stakeholders to achieve and document real advances in watershed health and water quality, if given time to work. This can have significant impacts on the ability of agencies to tailor their program incentives, cost share, and delivery systems to be more effective in helping groups of producers in watershed achieve success in meeting natural resource conservation goals and improving water quality. It will also demonstrate effective models for the private sector's role in working with agencies to more efficiently and effectively meet environmental performance goals.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Natural Resources Conservation Service, Watershed/Flood Prevention Operations

Amount: $1,146,000

Legal Name of Requesting Entity: USDA—Natural Resources Conservation Services

Address of Requesting Entity: 210 Walnut Street, 693 Federal Building, Des Moines, IA 50309

Description of Request: The requested funding will be used to reduce flood damage, gully erosion damage, stream channel degradation, and to improve water quality within the Little Sioux River Watershed of western Iowa. The Little Sioux watershed in western Iowa is an area that is intensively farmed due to productive but easily erodible soils. This funding will help to provide landowners and communities much-needed assistance in installing soil and water conservation practices to slow water runoff and reduce erosion damage to agricultural land, public infrastructure including roads and bridges, and to reduce sediment and associated agricultural nutrients and pesticides being delivered to streams and rivers.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2010 Agriculture Appropriations bill—H.R. 2997:

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 2997—Fiscal Year 2010 Agriculture Appropriations bill

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: $176,000 for the University of Illinois Extension to extend its MarketMaker information technology platform to a national level that will enable food producers, processors, wholesalers and retailers electronic access to geographically-referenced data, thus enhancing the opportunity for food and agricultural entrepreneurs to identify and develop new and profitable markets and improve the efficiency and profitability of food systems in the United States and globally. Of this amount $91,277 is for personnel; $28,752 for Supplies; $17,204 for Publications; $13,198 for Services; $13,679 for travel; and $11,890 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 2997—Fiscal Year 2010 Agriculture Appropriations bill

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Veterinary Medicine, 1008 Hazelwood Dr., Urbana, IL 61802

Description of Request: $235,000 for the Illinois Center for One Medicine, One Health at the University of Illinois which will focus on research, training and outreach efforts designed to improve our society's preparedness and response to natural and intentional exposures of biological, chemical and physical agents. Of this amount $117,500 is for research; $47,000 is for the instruction of courses various academic programs; and $70,500 for training programs and excercises to serve state departments of agriculture and public health.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 2997—Fiscal Year 2010 Agriculture Appropriations bill

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: $461,000 for the University of Illinois to conduct collaborative, multidisciplinary research to promote optimal human health by studying novel attributes of food. Of this amount $322,300 is for Personnel; $14,000 is for Participant/Trainee Support; $60,600 for Supplies; $3,300 for Publications; $29,800 for Travel; and $31,000 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 2997—Fiscal Year 2010 Agriculture Appropriations bill

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: $745,000 for the Soybean Disease Biotechnology Center, located within the National Soybean Research Laboratory (NSRL) at the University of Illinois, which provides cutting edge research and a first line of defense against major soybean diseases. Of this amount $595,000 is for Personnel; $80,000 for Supplies; $20,000 for Travel; and $50,000 for USDA administrative costs.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HARPER. 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. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service

Project Name: Genomics for Southern Crop Stress and Disease

Recipient and Address: Mississippi State University, P.O. Box 9800, Mississippi State, MS 39762

Amount: $797,000

Description: Mississippi State will provide innovative genomics research solutions to address disease and climatic stress-ors in Mississippi's most valuable commodity crops. Forestry, Poultry, Catfish, and many more Mississippi industries will benefit from this research. Advances in understanding genomic responses to stress and disease are anticipated to have a beneficial impact on yields, costs, and environmental sustainability.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service

Project Name: Biomass-based Energy Research Program

Recipient and Address: Mississippi State University, P.O. Box 9800, Mississippi State, MS 39762

Amount: $839,000

Description: The Consortium is developing a unique gasification-catalytic process that utilizes all of the plant biomass, including the lignin, to produce liquid fuel. Mississippi State University and Oklahoma State University will cooperate in conducing technical and economic evaluation for the gasification-catalytic conversion process. Currently, MSU is conducting research to develop new catalysts to improve the conversion of syngas into liquid hydrocarbons.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service

Project Name: Wood Utilization Project

Recipient and Address: Mississippi State University, P.O. Box 9680, Mississippi State, MS 39672

Amount: $4,545,000

Description: Mississippi State University will conduct vital research and education on wood use to support the competitiveness of small and medium wood product manufacturers and the needs of the public through the Wood Utilization Research (WUR) Program. 12 Wood Utilization Research Centers at state universities across the U.S. will participate in this program. Mississippi has the potential to economically grow much larger volumes of wood. Focused research is essential to enhance the development of the current industry and to create new wood-based industries such as that of energy and chemicals.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2647—National Defense Authorization Act for Fiscal Year 2010.

I requested one project in H.R. 2647.

In coordination with thirteen other Members of Congress, I sent a letter to the Chairman and Ranking Member requesting support for additional funding for the Army National Guard's H60 Black Hawk Helicopter modernization program. As a result of this letter, $20.4 million was included in the Defense Authorization Act for this purpose. Army National Guard operational tempos are the highest they have ever been supporting the full spectrum of state missions including search and rescue, utility/lift, disaster relief, firefighting, medical evacuation, all while sustaining deployments to Iraq, Afghanistan and the Balkans. This high operational tempo is wearing out the National Guard H60 fleet much faster than planned and as a result of this request, we can ensure the National Guard has the tools and equipment they need to do their job.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of $133,000. Funding will be used to increase field research/demonstration in order to increase farmer and farm advisor exposure to sustainable cropping system practices.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

SPEECH OF

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

The House in Committee of the Whole House on the State of the Union 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:

Mr. WEINER. Mr. Chair, I rise today in support of language in the manager's amendment to the Defense Authorization Bill (H.R. 2647) requiring the Government Accountability Office to study the costs to states and localities that choose to cover the difference between a first responder's military salary and their city salary.

After the tragic events of September 11th, many New Yorkers heard the call to service and joined the Army, Marines, Navy, and Air Force in defense of their country. More than 11,000 New Yorkers went to Iraq and Afghanistan and 59 tragically lost their lives in defense of our country. Among these New Yorkers were the brave first responders who had already performed so admirably on that day, the police officers, fire fighters, and paramedics who put their lives at risk to help their fellow New Yorkers. In recognition of this further sacrifice, New York City revised its personnel code to maintain first responders' municipal salaries even during active duty military service.

Five hundred ten New York City municipal employees, including 76 firefighters and 293 police officers, are currently serving overseas, putting the total number of City first responders who have served in Iraq and Afghanistan since 9/11 at over 2,000, with New York Police Department Officers comprising close to half of these. The combined salaries of these employees is over $ 148 million dollars, and it is estimated that the city has recouped only $59 million, costing the City over $89 million. These financial costs are further compounded by lost man hours, over 800,000 in all. This lost manpower has disproportionately affected the New York City Police Department to the tune of over 472,000 days.

To explain this program better, let's take the hypothetical case of NYPD and Army Reserve Sergeant Smith. Sergeant Smith makes $55,000 annually as an NYPD officer and his active duty salary is $35,000. Being called to Iraq for a year-long tour of duty costs Sergeant Smith $20,000. New York City's program continues Sergeant Smith's $55,000 annual salary and Sergeant Smith would pay his military salary back to the City. Through New York City's policy, Sergeant Smith is made whole while still patriotically serving his country.

New York City is not alone in honoring its first responders who choose to serve overseas in this way. Boston, Chicago, Indianapolis, Phoenix, and San Jose have similar programs, and many states, including Ohio, Texas, North Carolina, Wisconsin, and Washington have laws that provide full pay for all state and municipal employees serving on active duty. At this time, it is not known how many millions of dollars these programs are costing cities and states around the country. Through my amendment the GAO will study the costs incurred by local governments for picking up the costs for their employees serving on active duty. I would like to thank Chairman IKE SKELTON and Ranking Member BUCK MCKEON for accepting this amendment.

PERSONAL EXPLANATION

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BROUN of Georgia. Madam Speaker, on Tuesday, July 7, 2009, I missed the following votes: rollcall Nos. 478 and 479. If I had been able to make these votes, I would have voted "aye" on rollcall vote 478. I would have voted "nay" on rollcall vote 479.

PERSONAL EXPLANATION

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. KISSELL. Madam Speaker, on Tuesday, July 7, 2009, I missed two rollcall votes as I was attending a meeting in North Carolina concerning my state's higher educational system. Had I been present, I would have voted "aye" on rollcall numbers 478 and 479.

HONORING T. MICHAEL NICHOLSON

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. MASSA. Madam Speaker, I rise today to honor T. Michael Nicholson, a man who has suffered tremendous personal loss but has used it as inspiration to help others.

Michael at a young age, in a desire to help his community became a volunteer firefighter. He was only a junior in high school. He joined the Bushnell's Basin Volunteer Fire Department in the town of Perinton. Six months after joining he was struck by a car while directing traffic to a fire scene. Michael was severely injured and was given a 50% chance of living.

His legs were broken, his back was broken, and his skull was fractured. Michael was in a coma for three weeks which he was not expected to come out of.

The State of New York agreed to compensate Michael with eighty dollars a week for what they deemed partial disability.

However, the long term effects Michael suffered from prevented him from living a normal life and $80 a week was insufficient to live on. He pled his case to an administration law judge with hopes of being allowed a total permanent disability status.

His request being denied, Michael was told, "If you want to do anything about this, then change the workers' compensation law."

So he did.

Using this as inspiration Michael has led a crusade to overhaul the way the workers compensation system treats firefighters. Against all odds he has scored victories in the State Senate and Assembly where a law was created to bring the weekly benefit rate up to $400. This was a significant increase especially since some firefighters were trying to live off of $25 a week.

On November 29th 1992 the United States Department of Justice created the Public Safety Officer Disability Benefit which awards federal benefits to any Public Safety Officer in the United States who is permanently disabled from an "in the line-of-injury" suffered in their community.

Disabled firefighters have Michael Nicholson to thank for this. With his hard work and drive he was able to fix what was unfair and it is for this reason I honor him

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of $349,000. Funding will be used for a project at Penn State that has a goal of improving dairy farm profitability throughout the Commonwealth.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. PUTNAM. 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. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture

Project Funding Amount: $300,000

Legal Name of Requesting Entity: Hillsborough County/University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611–0180

Description of Request: The Hillsborough County—Ruskin Tropical Aquaculture Laboratory is a cooperative venture of Hillsborough County and the University of Florida. Research from the laboratory provides much needed science-based technologies in nutrition, reproduction, health, and water quality management issues for the tropical ornamental aquaculture industry, based primarily in the county.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture

Project Funding Amount: $1,217,000

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611–0180

Description of Request: For critical continuation and expansion of vital Citrus Greening and Citrus Canker research to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate these devastating diseases.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture

Project Funding Amount: $6,677,000

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611–0180

Description of Request: The Tropical/Subtropical Agricultural Research (T–STAR) program conducts research and education for interdiction, eradication, and suppression of invasive plants, animals, insects and disease. The objective of this critical initiative is to develop strategies and tactics to stem the influx of invasive species into the United States to protect American agriculture.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service (APHIS)

Project Funding Amount: $43.6 million

Legal Name of Requesting Entity: U.S. Department of Agriculture

Address of Requesting Entity: U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250

Description of Request: Due to the rapidly spreading nature of citrus pests and disease and their enormous potential economic impact, it is important that the Federal government actively support a coordinated plan to control, suppress and prevent further spread of the Citrus Greening and Citrus Canker through the Citrus Health Response Plan.

U.S. PATENT AND TRADEMARK OFFICE FUNDING

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of H.R. 3114, and commend the Chairman for his leadership in acting so swiftly to rectify this situation.

The U.S. Patent & Trademark Office, located in my District, is funded entirely by the user fees it collects; it does not draw any taxpayer funds from the general Treasury.

Like many other businesses and industries, the PTO has seen significant reductions in its revenues as a result of economic belt-tightening by its customers. In response, PTO has already enacted over $140 million in budget cuts and cost-savings measures. PTO has instituted a hiring freeze, curtailed non-bargaining unit performance awards, stopped overtime for many workers and significantly reduced contracts, travel, supplies and other non-essential overhead expenses.

In the meantime, we must ensure that the USPTO can continue to maintain its personnel level and perform its critical mission of examining and granting patents that promote innovation and create jobs. As a result, a serious budget situation has developed. Absent adoption of this legislation approximately 9,000 patent office employees would be subject to furloughs during the last pay period of FY09 (last two weeks of September).

The Department of Commerce is monitoring the situation on a daily basis, and out of an abundance of caution, and to prevent a possible violation of federal law, the Department of Commerce is asking for a one-time funding fix from Congress to avoid the furlough of Patent Office employees.

The Trademark Office, as distinct from the Patent Office, within PTO has a surplus of $60–$70 million. Without asking for new monies from Congress, the Treasury, or other agency programs funds, this bill before us would provide an immediate and one-time-only borrowing option that is accompanied by a statutory repayment period. In 1999 and 2005, the opposite situation occurred, and the Trademark Office received assistance from Patents totaling $24 million.

In order for Americans to prevail against this economic downturn, and to remain competitive globally, we need to ensure new technologies, innovation, and products are fully funded. The new concepts and ideas promoted by the work of PTO are drivers for American economic recovery and growth.

At such a time as this, America should be looking for its next Thomas Edison, Bill Gates, or Steve Jobs.

This bill simply lets the USPTO's patent operation borrow from an existing balance held by the trademark operation, and only if reasonably necessary to avoid employee furloughs or a reduction in force. Payback of any borrowed funds is assured by a temporary surcharge on patent fees.

This is a crucial juncture for the PTO. We need to remain at the cutting edge of global technological progress and achievement, or we risk lagging behind other nations.

The bill amounts to an insurance policy for the USPTO to make sure it can cover its payroll for over 9,000 federal employees. I ask my colleagues to support it.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of $771,000. Funding will be used for research that protects the safety of dairy products for Pennsylvania and the nation.

EARMARK DECLARATION

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. JENKINS. 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 2010 Agriculture Appropriations bill, H.R. 2997:

Earmark: Polymer Research at Pittsburg State University

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, RE/FA Account

Legal Name of Requesting Entity: Pittsburg State University

Address of Requesting Entity: 1701 S Broadway, Pittsburg, KS 66762

Description of Request: Provide an earmark of $1,500,000 to make contributions in the use of cellulosic fibers of wheat straw, corn stalks, and grasses (all grown in abundance in Kansas) to convert them to fillers for a new family of plastics that would be cheaper and require less energy to manufacture, and also be more friendly to the environment. This is a good fit at Pittsburg State University due to their certified program in Plastics Engineering Technology. Continued Federal endorsement and funding for these activities will build upon their past successes in the area of polymeric oils for use in polyurethanes. If the United States is to become independent of foreign oil producers, then we must pursue industrial sustainability by continuous innovation, improvement and use of clean technology to reduce pollution levels and consumption of resources. At the Kansas Polymer Research Center, they can apply knowledge of biochemistry to develop processes to produce new bio-based products more efficiently than the chemical processes we have been using.

Earmark: Wheat Genetic Research

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, SRG Account

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506

Description of Request: Provide an earmark of $240,000 to map and sequence the wheat genome through the Wheat Genetic and Genomic Resources Center (WGGRC). The WGGRC gene bank currently maintains 12,000 lines and these collections are continuously expanding as the Center acquires, develops, and distributes new genetic and genomic resources to facilitate wheat genetics, genomics, and breeding research. Kansas State University and Kansas wheat producers have already made an investment of almost $1.0 million towards the purchase of a DNA sequencer and a robot for arraying and printing of DNA filters. This request will collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach.

Earmark: Grain Sorghum

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, SRG Account

Legal Name of Requesting Entity: Kansas State University and Texas Tech University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506, and 2500 Broadway, Lubbock, TX 79409

Description of Request: Provide an earmark of $515,000 to permit the Great Plains Sorghum Improvement and Utilization Center (GPSIUC) to expand existing research and educational programs, particularly in genetic improvement and sorghum utilization. Sorghum is one of the most drought tolerant crops in the world, offering many potential advantages as a food, feed and bioenergy crop to the rural economies of the Great Plains.

Earmark: Water Conservation

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, SRG Account

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506

Description of Request: To provide an earmark of $69,000 to help: (1) agricultural producers, both crop and livestock, (2) rural communities in water-short areas; and (3) state and regional agencies to implement economical technologies and policies that will result in water conservation and prolong the life of the Ogallala aquifer in the face of increasing competition for declining aquifers and over-allocated surface waters. This effort is critical to the economic viability of western Kansas. In many parts of western Kansas, freshwater from both surface and groundwater is increasingly in short supply. Drought, aquifer and surface water depletion, and population shifts have stretched community and regional water supplies to their limits. As groundwater supplies decline or become cost prohibitive, better management of water through conservation, recycling, and treatment of poor quality water for secondary uses becomes even more important.

Earmark: Preharvest Food Safety

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, SRG Account

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506

Description of Request: To provide an earmark of $142,000 to expand the University's investigations into (1) the ecology of *Salmonella* in beef cattle, (2) antimicrobial resistance in cattle, and (3) agroinformatics, and (4) animal health diagnostics. These four areas of research have great overlap and synergy and will allow Kansas State University to better identify emerging threats of food-borne and zoonotic diseases associated with food-producing animals. Currently, Kansas State University has an ongoing USDA special project on the ecology of *E. coli* O157:H7 in beef cattle and the environment. This bacterial organism is a major cause of food-borne illnesses in humans.

Earmark: National Agriculture Biosecurity Center

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service, Salaries and Expenses Account

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506

Description of Request: To provide an earmark of $259,000 to fund the National Agriculture Biosecurity Center (NABC) for Phase III efforts for the development, enhancement and delivery of a targeted National Animal Health Laboratories Network (NAHLN) technical training support program. The funding is required to: (1) build and populate a lessons learned/best practices from NAHLN labs exercises and events; (2) expand animal health diagnostic screening capabilities regionally, including endemic and emerging pathogens (viruses, bacteria, and parasites) as well as prions such as BSE; (3) increase the testing capability and capacity of the Kansas State Veterinary Diagnostic Laboratory (KSVDL) in support of the NAHLN mission by conducting research on new methodologies and standardized operating procedures for enhancing and improving the efficiency of NAHLN equipment and laboratories; and (4) develop a training strategy framework for NAHLN laboratories.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following projects that were included in H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010:

Requesting Member: Congressman JERRY LEWIS.

Bill Number: H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010

Project Name: Mojave Water Agency Non-Native Plant Removal

Account: Natural Resources Conservation Service (NRCS)

Legal Name of Requesting Entity: Mojave Water Agency

Address of Requesting Entity: 22450 Headquarters Drive, Apple Valley, CA 92307

Description of Request: $667,000 will be provided to help complete a project to remove invasive weeds from the Mojave River area in cooperating with an ongoing local initiative. The Mojave River serves thousands of acres of federal land, including the Mojave National Preserve. Non-native plants are a constant threat to the Mojave River's ecosystem. Removing them will conserve vast amounts of water, which is a very precious resource in this area. Removal will also protect wildlife and dramatically reduce the risk of flood and fire.

Project Name: Prototype for a National Carbon Inventory and Accounting System

Account: General Provisions

Legal Name of Requesting Entity: Environmental Systems Research Institute

Address of Requesting Entity: 380 New York Street, Redlands, CA 92373–8100

Description of Request: This project will develop an online visual mapping and analysis system capable of measuring and displaying the amount of carbon produced and removed by our nation's farms, ranches, and forests. It will allow for better, timelier, and more coordinated conservation, land management, and environmental policies at the local, state, and national levels. The project will help improve the environment and help our nation's farms, ranches, and forests.

Project Name: Nutrition, Diet, and Lifestyle Research for Longevity and Healthy Aging

Account: National Institute of Food and Agriculture

Legal Name of Requesting Entity: Loma Linda University Adventist Health Sciences Center—Lifestyle Medicine Institute

Address of Requesting Entity: 11175 Campus St., Loma Linda, CA 92354

Description of Request: This project will build on fifty years of ongoing research to support the nation's priorities for wellbeing, prevention of disease, and healthy aging. The Institute will conduct research in nutrition and diet and compare the aspects of diet and lifestyle to health and longevity. It will utilize this research to improve the health care system, to increase wellness and prevention of diseases, and to educate the community on the healthiest lifestyles and activities, such as proper dieting and nutrition. The university is situated in Loma Linda, CA, which has one of the longest-living populations in the nation.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of $233,000. Funding will be used for farm- and community-level educational programs and assistance focused on value added activities. Objectives of this project are to provide research-based extension education to assist small farmers to maintain/develop new economically viable enterprises, provide support to assist small farmers develop and maintain economically viable enterprises, including applying for available and appropriate grants and loans, and helping to build community capacity to sustain growth and development of local agriculture and food sectors.

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. PLATTS. 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. 2997, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act.

Requesting Member: Congressman TODD RUSSELL PLATTS (PA–19), along with other Members

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act

Account: SRG

Legal Name of Requesting Entity: Penn State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding:

Penn State University—Improved Dairy Management Practices: Penn State is a public university. Some of the most important challenges facing the dairy industry today lie in the areas of nutrient and emission management. Penn State faculty will use this funding to research nutrient management through cow nutrition modification and the impacts of emissions from dairy operations. In addition, funding will be used to develop new technologies to address problems associated with dairy production in Pennsylvania in an effort to improve water quality, lower impacts of air emissions, and use energy more efficiently. This is a good use of taxpayer funds because the sale of dairy products accounts for nearly half the farm gate value of Pennsylvania's agricultural income. The profitability of Pennsylvania dairy farms is inextricably tied to management decisions that are being made by farmers. ($243,000)

Penn State University—Milk Safety Program: Penn State would use this funding to identify issues in milk and dairy products safety and seek interventions that can be transferred to producers, processors, distributors, and retailers to continue to improve consumer confidence in the quality of their food supply. This is a good use of taxpayer funds because dairy is the single largest economic component of the Pennsylvania agricultural portfolio. ($771,000)

Penn State University—Sustainable Agriculture and Natural Resources: Penn State University would use this funding to create a new collaborative research and education program that will help diverse farm operations better adopt more sustainable farming practices. Investment in this special grant would increase field research and demonstration to increase the exposure of farm advisors and farmers to sustainable cropping system practices. Practices to be further investigated include: crop species and cultivars for inclusion in crop rotations that improve the performance of sustainable and organic cropping systems, especially for the Northeast; fine tuning of management guidelines for mechanical control of cover crops and weeds in conservation and no-tillage systems to reduce or eliminate herbicides; factors that better promote conservation of biological control organisms and beneficial soil microorganisms for weed seed predation and management of other pests; and practices that increase soil organic matter. This is a good use of taxpayer funds because the demand for increased farmer understanding and adoption of sustainable farming practices continues to be a high priority in the agricultural community. ($133,000)

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, July 7, 2009.

Had I been present, I would have voted ''aye'' on rollcall vote No. 478 (Motion to Suspend the rules and Agree to H. Res. 135), ''no'' on rollcall vote No. 479 (Motion to Suspend the Rules and Agree to H.R. 1129).

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the 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, 2010. The entity to receive funding is the Haines Aaronsburg Municipal Authority, 420 Homes Street, Willowbank Building, Bellefonte, PA 16823, in the amount of $250,0000. Funding will be used the Haines Aaronsburg Municipal Authority Water Line Interconnection.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BARTON. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 2997—FY10 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill

Account: Capital Improvement and Maintenance (construction)

Legal Name of Receiving Entity: Texas Agrilife Research

Address of Receiving Entity: 1500 Research Parkway, Suite 150, 2259 TAMU, College Station, TX 77843–0001

Description of Request: I have secured $336,000 in funding in H.R. 2997 in the Conservation Operations account for Texas Agrilife Research.

The funding would be used to determine how to slow or stop the decline of water quality in five Tarrant Regional Water District reservoirs.

EARMARK DECLARATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. ROS-LEHTINEN. 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.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2647

Account: Defense Wide R/D/T&E, USSOCOM

Amount: $4,000,000

Project: Transformer Technology for Combat Submersibles (TTCS)

Requested by: STIDD Systems Inc. 86 Coco Plum Drive Marathon, FL 33050

Funding for this request would enable U.S. Special Operations Command (USSOCOM) to evaluate a combat submersible boat with increased payload capacity. This technology demonstration craft would be manufactured by STIDD Systems, a private company, with testing and training facilities in Marathon, Florida. Funding for this project would bring much-needed, well paying jobs to the Florida Keys.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Department of Agriculture—Preharvest Food Safety, Kansas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains $142,000 for Preharvest Food Safety and Security. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to expand its research in emerging threats of food-borne and zoonotic diseases associated with food-producing animals.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Grain Sorghum, Kansas, Texas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains $515,000 for Grain Sorghum, Kansas and Texas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to expand existing research and education programs, particularly in genetic improvement and sorghum utilization.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Water Conservation, Kansas: H.R. 2997. the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains $69,000 for Water Conservation, Kansas in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to study ways to stop and reverse the depletion of the Ogallala Aquifer in Kansas.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Wheat Genetic Research, Kansas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains $240,000 for Wheat Genetic Research, Kansas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—National Agriculture Biosecurity Center, Kansas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains $259,000 for the National Agriculture Biosecurity Center, Kansas, in the Animal and Plant Health Inspection Service's Salaries and Expenses account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to implement international linkages for food animal and food crop disease surveillance, to expand animal health diagnostic screening capabilities in Kansas and the region, and to further develop a GIs-tracking system for pathogen monitoring.

No matching funds are required for this Department of Agriculture project.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of $233,000. Funding will be used to evaluate the impact new management tools will have on dairy farm

profitability, and will work towards bringing these new tools to the industry based upon sound scientific study.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BARTLETT. Madam Speaker, I submit the following:

Bill Number: H.R. 2847

Account: NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: University of Maryland

Address of Requesting Entity: Main Administration Bldg, College Park MD 20742

Description of Request: Earth System Information Delivery & Assessment. Funded $150,000. The funding would be used for a one-year feasibility study in support of Earth System Information Delivery and Assessment. Such a capability would produce complete comprehensive and consistent space-time descriptions of all significant aspects of the Earth System. The end result of this transition across observational analysis, environmental predictions, and policy response will lead to better informed investment, adaption and policy options across the public and private sector.

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Washington County Sheriffs Office; Arthur Smith (Chief of Police)/Bruce Zimmerman (City Administrator)

Address of Requesting Entity: 1 East Frederick Street Room 202, Hagerstown, MD 21740

Description of Request: Hagerstown Radio Equipment Acquisition. Funded $750,000. The funding would be used for the purpose ensure that the City's public safety communications system is compatible with the communications system used by Washington County and the State Highway Patrol's Hagerstown Barracks. Funds are being requested to support portable radio equipment for the City of Hagerstown.

Bill Number: H.R. 2847

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: Enough is Enough

Address of Requesting Entity: 746 Walker Road Suite 116, Great Falls, VA 22066

Description of Requesting Entity: Maryland Internet Safety 101: Empowering Parents Program. Funded $250,000. The funding would be used for booklets and training to ensure that parents and other adult child caregivers are provided with the information needed to establish safety rules and to use appropriate software tools to protect children under their care, irrespective of any insecurities about technology or a lack of previous training or education. Funding will be dedicated to ramp-up Maryland state-wide outreach.

EARMARK DECLARATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROHRABACHER. Madam Speaker, I submit the following:

Requesting Member: Congressman DANA ROHRABACHER (CA–46)

Bill Number: H.R. 2997

Name of Project: Smart Time Irrigation Controller Installation Program

Account: Conservation Operations

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: 18700 Ward Street, Fountain Valley, CA, 92708

Description of Request: I received $134,000 for the Municipal Water of Orange County's Smart Time Irrigation Controller Installation Program. The application of smart irrigation controller technology will help Orange County and greater-Southern California manage its existing water supplies more efficiently. It will also help take pressure off our imported water supplies from Northern California and the Colorado River. Additionally, it will demonstrate for other areas with water supply challenges the effectiveness of these devices in achieving significant water savings. Finally, there are environmental protection benefits as the devices help reduce urban runoff, which is responsible for transporting pollutants and sediment into natural waterways and eventually to beaches and the ocean.

The application of Smart Irrigation Controller technology will help Orange County and greater-Southern California manage its existing water supplies more efficiently. It will also help take pressure off our imported water supplies from Northern California and the Colorado River. Additionally it will demonstrate for other parts of the county with water supply challenges the effectiveness of these devices in achieving significant water savings. Funds will be used for labor, professional services, and printing and marketing. It is my understanding that local and regional funding will contribute approximately seventy percent of the FY2010 cost.

CONGRATULATING DR. JOHN JOHNSON ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 8, 2009

Mr. BONNER. Madam Speaker, it is with great pride that I rise to honor the long and distinguished career of Dr. John Johnson, on the occasion of his retirement as president of Alabama Southern Community College.

Dr. Johnson received a bachelor's degree in mathematics and physics/chemistry from Troy University, a master's degree in counseling from the University of Alabama, and a Ph.D. in college administration from the University of Alabama.

He devoted almost four decades of his life to higher education. For the past 20 years, Dr. Johnson served as president of Alabama Southern Community College, and prior to his tenure as president, he served on the faculties of Birmingham-Southern College and the University of Alabama, as well as the Alabama Department of Postsecondary Education.

While serving as president, Dr. Johnson raised Alabama Southern Community College to new heights. During his tenure, Alabama Southern has been recognized by the Alabama Department of Postsecondary Education as having ''achieved the most dramatic turnaround of any college in the history of the Alabama College System.'' Alabama Southern was selected as a top ten finalist for the 2006 Bellwether Award for Workforce Development and was also selected as the 2005 National Bellwether Award for Instructional Excellence by Community College Futures Assembly and National Council for Instructional Administrators.

In 2004, Alabama Southern was designated as a National Center for Pulp and Paper Technology Training, the highest award given by the National Science Foundation for Advanced Technology Education. This distinction made Alabama Southern the only national center in rural America. In 1998, Alabama Southern was selected as one of the 10 best examples of the management of change in the American Association of Community College's report Managing Change: A Model for Community College Leaders.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated educator and friend to many throughout Alabama. I am certain that his family—his wife, Laurie, and their three children, Adam, Russell, and Bess—along with the faculty and staff at Alabama Southern Community College and his many friends in Monroeville and throughout the State join me in praising his accomplishments and extending thanks for his considerable service to southwest Alabama. On behalf of a grateful community, I wish Dr. Johnson the very best of luck in all of his future endeavors.

HONORING THE MOSES AND AARON FOUNDATION SPECIAL FUND FOR CHILDREN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CROWLEY. Madam Speaker, I rise today to call attention to a worthy organization, one committed to special needs children and their families. The Moses and Aaron Foundation's significant and enduring efforts under the direction and visionary leadership of President Rabbi Yaacov Kaploun and Executive Vice President Yehuda Kaploun deserve the highest praise, as do the philanthropists who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation Special Fund for Children, an all volunteer organization, is dedicated to assisting children with disabilities and their families with a wide range of programs including social, physical, financial and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions: collects; purchases; and distributes clothing for children in need and remembers them with presents at holiday time or when hospitalized. The Foundation has arranged for sound and musical equipment in

other institutions and has distributed gifts to thousands of children during the holiday seasons.

The corporate and individual supporters of the foundation include Metropolitan Lumber Company, Mr. Robert Gans, and the Croton Watch Company. Concert Chairmen Mr. and Mrs. Richard Gans, Mr. Avi and Dr. Laura Greenbaum, Mr. and Mrs. Elisha Rothman, Mr. Mark Selden and Patti Shlesinger.

On Saturday night August 1st, 2009 at the Sullivan County Community College, Lock Sheldrake, New York, the Moses and Aaron Foundation under the Honorary Chairmanship of Nobel Laureate Elie Wiesel, will sponsor its thirteenth Barmitzva Summer ''Chazak-Strength'' Concert honoring and paying tribute to special and outstanding children and their families. The Guests of Honor will be the Special and Outstanding children, many of whom will perform with the entertainers on stage. More than forty organizations, camps and schools serving the physically and mentally disabled children will be represented.

The Chazak Concert and the Moses and Aaron Foundation's other programs demonstrate a caring and compassionate concern for the quality and dignity of life of others and merit the appreciation of all those who have benefited from its services.

The program will feature a musical tribute in memory of Mr. Izzy Taubenfeld of Sameach Music, a lifelong friend and member of the Chazak family.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht of New Haven, Connecticut, and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation an organization which exemplifies the generosity of spirit in American Society.

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Crop Production and Food Processing, Peoria, IL.

Bill Number: H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Provisions/Account: Agriculture Research Service, Salaries and Expenses

Name and Address of Requesting Entity: The entity to receive funding for this project is U.S. Department of Agriculture National Center for Agricultural Utilization Research (NCAUR), located at 1815 N. University Street, Peoria, IL, 61604.

Description of Request: This project conducts non-destructive and wet chemical analysis for soybean, wheat and new crop germplasm for the entire U.S. This research program directly supports 75 public soybean breeders for the assembly of a genetic database for soybeans and wheat.

EARMARK DECLARATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. ROS-LEHTINEN. 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.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2892

Account: FEMA, Emergency Operations Center

Amount: $200,000

Project: Monroe County Emergency Operations Center

Requested by: Monroe County, Florida. 1100 Simonton Street; Suite 205 Key West, FL 33040.

Currently, there is not an Emergency Operations Center (EOC) located in Monroe County that meets the existing state guidelines for an EOC. Monroe County is located in an area of high potential and historical hurricane landfall. Without a facility that meets the current EOC guidelines there is a life safety risk to emergency management staff who remain in the County during an event such as a hurricane. Presently, the EOC staff occupies a substandard, multipurpose government building which fails to meet structural requirements. The current structure risks that there might not be an operational facility for recovery efforts should there be an event such as a hurricane.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2892

Account: FEMA, Pre-Disaster Mitigation Fund

Amount: $600,000

Project: City of Miami Stormwater Project

Requested by: City of Miami, Florida. 3500 Pan American Drive Miami, FL 33133

Flooding caused by future hurricanes and storm events can lead to severe infrastructure damage and water quality degradation within the projects drainage basin. The City of Miami Stormwater Project will significantly mitigate flood conditions caused by local storms and will result in a reduction of flood damage and an increase in public safety for the City of Miami by implementing stormwater drainage projects throughout the City. This project will also help control the discharge of stormwater into the Miami River and Biscayne Bay and will improve the overall water quality of Miami's waterways.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2892

Account: FEMA, Pre-Disaster Mitigation Fund

Amount: $500,000

Project: Jackson Health System Hurricane Mitigation Structural Reinforcement

Requested by: Jackson Health System, 1161 NW 12th Avenue, Miami, FL 33136

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. When a hurricane warning is issued, JHS serves as an emergency evacuation shelter for medically at risk individuals. Florida consistently has the greatest risk for a direct hit by a hurricane of any other location in the U.S. 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 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.

ALEXANDRA JOY MASSA

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. MASSA. Madam Speaker, I rise today to address this esteemed body regarding a young woman who at this moment, in my home town of Corning, New York, is preparing to close an important chapter in her life. Alexandra Joy Massa has spent the last decade growing into the beautiful young woman that she is today, working tirelessly to achieve exceptional grades, to excel in sports and in theater, and to serve her community through multiple volunteer efforts. Alexandra is my daughter, and today is her graduation day from high school, a monumental moment in her life and in the life of her parents. It's impossible to believe that eighteen years have passed since she became a part of my life, and that soon she will be heading off to college.

Many of my colleagues have children of their own and they understand all too well the joys, fears, hopes, and anxieties that come with parenthood. Raising my daughter has caused me many frustrated days and sleepless nights, but I wouldn't have traded a minute of them for the world.

Alexandra has brought lots into my life and the lives of those around her, with her warm sense of humor and generosity of spirit. These are beyond measure. Words do not allow me to convey how proud I am of my daughter, of all that she has accomplished in her life, and all that she will become in the coming years.

Now, like all parents, I will have to let go and watch as my little girl leaves home and goes off into a world where her father isn't there to watch over her. She will no longer have to seek my or her mother's permission to stay out late with friends or to go to a movie. She will never again have to listen to my lectures. I can only hope she chooses instead to listen, if only to humor her old man. She has become the adult that her mother and I hoped she would become: independent and intelligent, perceptive and engaging, considerate, compassionate, and kind. Where my little girl stood only a short time ago, a woman now stands, ready to take on the challenges of the world.

It is a bittersweet moment, and a moment of immeasurable pride. In the future, Alexandra

Massa will accomplish whatever she sets her sights upon. I ask only that she always remembers that her father will always love her with that special love only a father can have for a daughter, that only a parent can have for their child.

Thank You, Madam Speaker.

IN HONOR AND MEMORY OF OFFICER BRANDON SIGLER OF MOBILE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BONNER. Madam Speaker, I rise today to honor the life of one of Alabama's finest who recently made the ultimate sacrifice in the service of his city and the people he protected.

Mobile Police Officer Brandon Sigler was killed in the line of duty earlier this month. Officer Sigler was shot while responding to a domestic disturbance. He was off-duty trying to break up a fight in the parking lot of his apartment complex.

Brandon Sigler was a bright light in the Mobile Police Department as well as in his community. Brandon attended McGill-Toolen High School and was a graduate of Murphy High School. He played football at Tennessee Tech University and Delta State University. Brandon graduated from Faulkner University in 2006 with a Bachelor of Science degree in Criminal Justice. He served as an officer in the Mobile Police Department for less than two years and, in that short time, he became known as an outgoing and positive individual. He always had a smile, a smile by which so many came to know him.

Mobile Chief of Police Phillip Garrett told the hundreds of people who attended Brandon's funeral, ''In his short years, he meant a lot to a lot of people. And every one of them talked about his smile.''

Madam Speaker, I urge you and my colleagues to take a few moments to pay tribute to Officer Brandon Sigler of the Mobile Police Department. I ask that you remember him as a man who always put other people first. He was a young man who loved his family, friends, and community with unquestionable devotion. The city of Mobile has lost a true role model and hero.

We should also remember Brandon's parents, Nina Gordon and Herman Woods; his brothers, Timothy and Joel Gordon; his sisters, Sarita and Adrienne Woods; and his fiance, LaKenda Craig; her daughter, Katlyn McCormick; and his colleagues at the Mobile Police Department—as well as his many other family members and friends. We should keep all of them in our prayers and ask that God will comfort them through the difficult days ahead.

Officer Brandon Sigler was an honorable and courageous man who died serving the city of Mobile. May he rest in peace.

EARMARK DISCLOSURE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the House Republican standards on congressionally directed funding, I am submitting the following information regarding funding included in H.R. 2997, the House Agriculture Appropriations bill of 2010.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: CSREES, Special Grants

Legal Name of Recipient: University of Georgia College of Agriculture and Environmental Sciences

Address of Recipient: 101 Conner Hall, Athens, GA 30602

Description of Request: Funding in the amount of $1,000,000 will be used to advance farm energy efficiencies by coupling advanced information, communication and control technologies with improved plant materials, byproduct use and energy capture conversion techniques.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: National Resources Conservation Service, Conservation Operations

Legal Name of Recipient: Georgia Soil and Water Conservation Commission

Address of Recipient: 4310 Lexington Rd, Athens, GA 30603

Description of Request: Funding in the amount of $2,423,000 will help farmers address existing and emerging water supply issues with on-farm water storage.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: CSREES, Special Grants

Legal Name of Recipient: University of Georgia College of Agriculture and Environmental Sciences

Address of Recipient: 101 Conner Hall, Athens, GA 30602

Description of Request: Funding in the amount of $209,000 will allow for the development of new cultivars which combined with pre- and post-harvest management practices will increase production efficiency and improve quality of fruit delivered to consumers.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: CSREES, Special Grants

Legal Name of Recipient: University of Georgia College of Agriculture and Environmental Sciences

Address of Recipient: 101 Conner Hall, Athens, GA 30602

Description of Request: Funding in the amount of $346,000 will provide for the development of Web-based systems and in-field practices to provide water conservation alternatives that are distinct, direct and economical.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: ARS, Salaries and Expenses

Legal Name of Recipient: ARS National Peanut Research Lab, Dawson, GA

Address of Recipient: 1011 Forrester Drive SE, Dawson, GA 39842

Description of Request: Funding in the amount of $1,200,000 will be used to produce the best management practices that will lead to water conservation.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: CSREES, Special Grants

Legal Name of Recipient: University of Georgia College of Agriculture and Environmental Sciences

Address of Recipient: 101 Conner Hall, Athens, GA 30602

Description of Request: Funding in the amount of $178,000 will be used to evaluate new disease management tactics for control of Phytopthora blight. No treatments or combination of measures exist to effectively suppress Phytopthora losses which often devastate the production of vegetable crops.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. LATHAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Minor Use Animal Drug Program

Amount: $429,000

Account: Research & Education

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Minor Use Animal Drug program is used to identify animal drug needs for minor species and minor uses in major species, to generate and disseminate data for safe and effective therapeutic applications and to facilitate FDA approval for drugs identified as a priority for a minor species or minor use.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Northeast Iowa Community-Based Dairy Foundation

Amount: $159,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Northeast Iowa Community-Based Dairy Foundation

Address of Requesting Entity: 1527 Hwy. 150, S., Calmar, IA 52132

Description of Request: The Dairy Education project aims to increase the success of American dairies by providing education on production technology, environmental stewardship, marketing and competitiveness. The project has goals of retaining, growing and fostering the development of the industry. The dairy industry is a major component of the Midwest's economy and the project aims to develop successful farms that are vital to local communities.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Center of Agricultural and Rural Development (CARD)

Amount: $412,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Center for Agricultural and Rural Development (CARD) Biofuels Impact Analysis project at Iowa State University provides unbiased analyses of the effects of changes in technology and policy on the production of biofuels and on the cost and manufacturing of traditional agricultural and energy products. These analyses are based on supply and demand models of agricultural products, biofuels, and traditional, crude oil based energy markets, both domestically and internationally. Results of these analyses help key decision makers and citizens of Iowa and the U.S. make informed choices between alternative policy options, by providing answers to pressing questions about the impacts of those options on agricultural prices, net returns, production, consumption, and government spending. Using existing measures of the net carbon emissions per unit of agricultural output for each agricultural commodity in each country, the CARD program also will develop a methodology to measure the worldwide carbon footprint of agriculture and incorporate this footprint measure into existing multi-country, multi-commodity models.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Animal Food Science & Food Safety Consortium

Amount: $939,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: Animal Food Science & Food Safety Consortium addresses potential threats to food safety during the production of the live animal, processing, distribution, and consumption. When necessary, this initiative develops sampling and testing strategies to rapidly identify contaminants and determine the distribution of the contaminant in the food supply. Additionally, program staff are working to establish intervention strategies to minimize the threat of contaminants and to assure a safe food supply. The program also is developing recovery strategies and training procedures for these industries in the event of a natural or intentional contamination event. The potential introduction of natural or intentional contaminants into agricultural products could have a dramatic impact on the United States: citizens' health would be at risk and the economy could suffer because of the likely loss of international markets for U.S. products.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Food and Agriculture Policy Research Institute (FAPRI)

Amount: $1,139,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Food and Agriculture Policy Research Institute (FAPRI) project will be used to deploy an updated system to measure the impacts of large disruptions to world agricultural sectors such as new trade agreements, for ongoing estimation of the impact of the 2007 Energy Act on agriculture in the U.S. and around the world, and for evaluation of the use of carbon offset options for U.S. biofuel producers. With the new carbon model FAPRI researchers are uniquely placed to evaluate policies designed to reduce carbon emissions from agriculture. Research staff will use baseline projections from the analyses to determine the effect of various influences including agricultural prices, net returns, production, consumption, the net carbon balance, and government spending on the profitability of agriculture in the United States and in other major producing countries.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Midwest Poultry Consortium

Amount: $471,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Midwest Poultry Consortium provides a structure to encourage multi-disciplinary research networks which enhance limited state and industry resources. For example, the project can focus on respiratory diseases, such as avian pneumovirus, which have resulted in losses of millions per year in Midwestern states, rank among the most important factors affecting the competitiveness of the poultry industry and are responsible for millions in losses to turkey and broiler production nationwide each year. In total, disease costs in poultry are estimated to be in the $15 billion/year range.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: New Century Farm

Amount: $282,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The New Century Farm is the first integrated and sustainable biofuel feedstock production system of its kind and will play a critical role in fulfilling this vision. It will serve as a living laboratory for developing and testing sustainable biomass systems through rigorous integration of agronomic, environmental, and socio-economic research. The New Century Farm at Iowa State University will be the first integrated, sustainable biofuel feedstock demonstration farm and research biorefinery in the United States, serving as a model for American biorenewable energy and bioproducts production and helping to transform the nation's agricultural enterprise to one that is feedstock ready.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Bio-Safety Institute for Genetically Modified Agriculture Products

Amount: $259,000

Account: Animal Plant Health Inspection Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Bio-Safety Institute for Genetically Modified Agriculture Products will assist enterprises seeking technical assistance on bio-product-related issues that would enable them to expand effectively. Helping these biobased product employers do so will improve the quality of the environment, revitalize the manufacturing sector and rural America, and enhance national security by reducing U.S. dependency on foreign oil.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Certified Environmental Management Systems for Agriculture

Amount: $288,000

Account: Natural Resource Conservation Service

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: The Certified Environmental Management Systems for Agriculture program provides innovative technical assistance to individual farmers, helping them document baseline and performance data to measure environmental and economic results of their management practices and incorporate that data into continual performance improvement. It is an adaptive management system based on ISO 14001, addressing energy efficiency in farming and environmental, agronomic, and economic performance goals. Appropriations will support continued technical assistance for current and new participants; expand the use of the energy efficiency module piloted in '08 and adjust documentation and data aggregation procedures to enable the soybean and corn industry to benefit from documented data revealing the improved energy efficiency, carbon savings, and reduced greenhouse gas emissions associated with current farming practices, as well as potential improvements made possible by CEMSA management planning; expand the use of the new carbon sequestration, greenhouse gas emission reduction, and wildlife habitat planning modules and indices being developed and piloted this year.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Watershed Demonstration Project

Amount: $134,000

Account: Natural Resource Conservation Service

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: The Watershed Demonstration Project will help Iowa farmers identify and reduce their contribution to water pollution by providing technical assistance to groups of farmers in targeted watersheds and by collaborating with other watershed stakeholders to plan and implement watershed-specific strategies, measure outcomes, and adjust practices to optimize results. The proper management of natural resources related to cropland and the planning and implementation of conservation systems on cropland, especially in watersheds of impaired streams, is part of the federal mission, which this project helps to further. The work of improving and maintaining watershed health and water quality in agricultural watersheds will always require federal investment, and due to the downstream impact of Midwest agricultural water quality concerns all the way to estuary waters, such as the Gulf of Mexico, projects such as these are increasingly important.

PERSONAL EXPLANATION

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CHILDERS. Madam Speaker, unfortunately Tuesday night, July 7, 2009, I was unable to cast my votes on H. Con. Res. 135 and H.R. 1129.

Had I been present for roll call No. 478, I would have voted "aye."

Had I been present for roll call No. 479, I would have voted "aye."

BILL AND ANN BELLAIS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Rev. William Bellais, Ed.D., and his wife, Ann Bellais, of Chillicothe, Missouri. Bill and Ann are very dedicated individuals who exemplify the finest qualities of citizenship and leadership. I thank Grace Episcopal Church for hosting a retirement reception in their honor on Sunday, July 12, 2009.

Bill has an impressive list of degrees, ranging from theological studies to history to counseling psychology. He received his Doctor of Education degree in higher education management and education psychology in 1988 from New Mexico State University.

Bill's dedication to his community and his country has been exceptional. He served three years in the U.S. Marine Corps, including service in Korea, as well as 17 years in the Army as an intelligence specialist, including two years of service in Vietnam, receiving over a dozen awards along the way. He has been the Rector at Grace Episcopal Church in Chillicothe since 1992, as well as an active member of the Diocese of West Missouri. Bill is the Chaplain for the Home Health and Hospice Department at Hedrick Medical Center in Chillicothe, and he also serves as an adjunct faculty staff member for several colleges. Bill is also active in countless community activities, serving on the Board of Directors for organizations such as Hope Haven Industries, the North Central Missouri Rural Housing Coalition, Chillicothe Area Habitat for Humanity, the Chillicothe Rotary Club, and many more.

Ann Bellais has been just as active in the community as her husband. She has been a strong leader in the Missouri State Society of the Daughters of the American Revolution for years, having been an active member of DAR for an incredible 49 years. She has served as President for both the Chillicothe Church Women United group and the Chillicothe Garden Club. She has also served on the board of Hope Haven Industries, and she has represented the area for two hospitals in Kansas City—serving St. Luke's Hospital on a Spiritual Wellness Committee, and Children's Mercy Hospital on a regional council.

Madam Speaker, I proudly ask my colleagues to join me in commending Bill and Ann Bellais for their dedicated service to the community of Chillicothe, Missouri. I know their colleagues, family and friends join with me in thanking them for their commitment to others and wishing him happiness and good health in retirement.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service: Salaries and Expenses

Legal Name of Requesting Entity: SUNY Environmental School of Forestry

Address of Requesting Entity: SUNY ESF Bray Hall 224, Syracuse, NY 13210

Description: Provide an earmark of $500,000 for the eradication of the Asian Long-Horned Beatle in New York State forest lands. The Asian Long-Horned Beetle is an invasive species that can have disastrous effects on forest areas. Several beetle infestations have already occurred in the U.S. including Chicago, NJ, Staten Island, NY and most recently in Worcester, Massachusetts in August 2008. In order to eradicate the beetle 30,000 trees were cut down in an effort to keep the beetle from spreading. While other methods are being explored, chopping down infested trees and burning the wood is currently the only way to eradicate the beetles which have no known natural predator in the U.S.

More than 61 percent of New York State is forested and highly vulnerable to an introduction of Asian Long-Horned Beetle. The trees preferred as hosts by the Asian Long-Horned Beetle are hardwoods, which also compose the majority of the Northeast United States mixed hardwood forests critical to New York rural economic vitality and the forest products and wood-based renewable energy industries, New York State water quality, sequestration of carbon and greenhouse gases known to contribute to climate change.

There is no wide scale proactive protection technology deployed today and the threat is moving north toward the Catskill and west toward the Adirondack and Southern Tier. The Asian Long-Horned Beetle infestation is an economic, social and environmental disaster waiting to happen. Presently, all therapies for Asian Long-Horned Beetle infestation are reactive; all the trees are removed for miles around.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations Bill, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R 2997

Account: National Institute of Food and Agriculture (NIFA)

Legal Name of Requesting Entity: University of California—Agriculture and Natural Resources

Address of Requesting Entity: 1111 Franklin Street, Room 6402, Oakland, California 94607

Description of Request: I have secured $3,000,000 to continue the highly successful Pierce's Disease and Invasive Species Research Program. This program funds competitively awarded research grants to find solutions to this potentially devastating bacterial disease that threatens California's wine grape industry, as well as other grape varieties, citrus, almonds and tree fruit.

This program also focuses on other invasive species impacting California and the nation. These include pathogens (West Nile virus, Avian Influenza, Sudden Oak Death), insects (vine mealy bug, light brown apple moth), marine and fresh water species (green crab and quagga mussel), and weed species (yellow star thistle). Greater knowledge of these species, understanding of invasion biology parameters, and potential control and eradication strategies is critical for California and the U.S.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R 2997

Account: Natural Resources and Conservation Service (NRCS)

Legal Name of Requesting Entity: Municipal Water District of Orange County (MWDOC)

Address of Requesting Entity: 18700 Ward St., Fountain Valley, California 92708

Description of Request: I have secured $500,000 to expand an existing program and add an additional 5,500 Smart Irrigation Controllers to residential and commercial properties in Orange County, CA by 2011. These Smart Irrigation Controllers assist water customers in delivering the appropriate amount of water to residential and commercial landscapes by monitoring and accounting for soil type, slope, plant type, sun exposure and current weather conditions.

Smart Irrigation Controllers, as a part of MWDOC's overall Water Use Efficiency Program, will assist water users in the district in more efficiently utilizing water resources and reduce the dependence of the area on water imported from Northern California and the Colorado River. The implementation and demonstration of this technology can serve as a demonstration project for areas of the arid west and other regions of the United States subject to water shortages who may be interested in utilizing this technology to decrease water consumption.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Military Construction and Veterans Affairs Appropriations Act.

Requesting Member: Congressman JEFF MILLER

Project Name: Flight Test Operations Facility (413 FLTS)

Account: Air Force

Legal Name of Requesting Entity: Eglin Air Force Base

Address of Requesting Entity: Eglin Air Force Base, Florida, 32542

Description of Request: $9,400,000—Flight Test Operations Facility (413 FLTS). I requested these funds to provide the 413th Flight Test Squadron the necessary facilities to conduct developmental and qualification testing of aircraft. The entity to receive funding for this project is Eglin Air Force Base, Florida, 32542. The funding would be used to upgrade facilities necessary to ensure mission success, minimize acquisition costs and fielding delays. Functional areas include administration, operations and special purpose areas including open storage area with SIPRNET, workshop/maintenance area with compressed air, a hoist system and an electrical system capable of providing multi-phase power and covered outside storage. The squadron is currently operating at 50% of the net office space recommended by AFH 32-1084. Aircrew life support equip lockers, printers, shredders and other office machines are stored and operated in hallways because of the lack of space and overcrowding. The unit does not have a dedicated facility but is provided space in other units' facilities. The 413th occupies 19,101SF in four separate facilities, two on base and two leased off base. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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 HR 2997: Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act for FY 2010.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 2997

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: State of New Jersey, Department of Agriculture

Address of Requesting Entity: 369 South Warren Street, P.O. Box 330, Trenton, NJ 08625

Description of Request: Provide an earmark of $500,000 for the New Jersey Gypsy Moth Pest Management Program to support and enhance gypsy moth control on affected communities and public lands. Funds will be used to cost-share aerial treatments borne by local municipalities to develop a web-based interactive online map showing the distribution of gypsy moths in New Jersey and proposed treatment areas. The funds will also be used for technical support, salaries, and vehicle operation.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding a project that I support for inclusion in H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Amount: $100,000

Account:U.S. Department of Justice

Entity receiving funds: Washington State Meth Initiative located at 510 Tacoma Avenue South, Tacoma, WA 98402.

Description: These funds will be used to implement this anti-methamphetamine initiative, which brings together law enforcement, prosecutors, and treatment professionals from across the state to work together to address all aspects of the meth epidemic.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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 Military Construction and Veterans Affairs Appropriations Act.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 3082

Account: Military Construction—Air Force Reserve

Legal Name of Requesting Entity: Niagara Falls Air Reserve Station

Address of Requesting Entity: Niagara Falls Air Reserve Station, 2720 Kirkbridge Drive, Niagara Falls, NY 14304

Description of Request: Provide an earmark of $5.7 million for Project #RVKQ 10–9091, the Indoor Small Arms Range that would support the requirements of the Base wings, the units of the new Armed Forces Readiness Center and the Department of Homeland Security tenants.

Of the total project amount, approximately $4.4 million (or 77.1%) is for construction of the range; $44,000 (or 1%) is for force protection; $640,000 (or 11.2%) is for supporting facilities; $254,000 (or 5%) is for contingency costs; and $304,000 (or 5.7%) is for inspection and overhead.

The current situation requires personnel to shoot at a range in Canada when utilizing the M–24B machine gun and M–249 rifle. Additionally, the current number of firing line positions is inadequate to satisfy the volume of monthly training requirements which has grown with the addition of the Regional Readiness Center at the Base.

Due to the fact that the existing range is outdoors and off-Base, students and instructors are exposed to the elements and extreme temperatures for extended periods of time. In addition, an exorbitant amount of time is wasted by personnel who must travel a distance to the range. Also, due to extreme weather conditions, the Wing loses several months of weapons qualifying each year. This new Small Arms Range will allow personnel to meet all necessary mandatory weapons training as well as meeting safety and environmental requirements.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2997—the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2997—the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010, provides for Tulane University, New Orleans, LA in support of phytoestrogen research project. This is in the Agricultural Research Account in the amount of $1,426,000. This will benefit Tulane University, 6823 St. Charles Avenue, New Orleans, LA 70118 in the form of funding to be used to partner the Tulane/Xavier Center for Bioenvironmental Research (CBR) and the University of Toledo to manipulate phytoestrogen and phyto-antiestrogen levels in soybean seed and soy-based products. This project discovers new effects of natural dietary constituents (phytoestrogens) on health and disease

in human; especially, estrogen-sensitive organs, such as breast, reproductive and cardiovascular systems.

CONGRATULATIONS TO MR. STEVE BARTELS

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BOEHNER. Madam Speaker, I rise today to congratulate, thank, and recognize my constituent Mr. Steve Bartels. Steve is a testament to the hard-working nature of the agricultural community and he has been a staple of the Butler County, Ohio community for more than three decades.

As the agricultural educator for the Ohio State University Extension Butler County Office, Steve has spread the necessary knowledge that aids the success that the agriculture industry has had on the economy of not only Butler County, but the entire state of Ohio. His hands-on approach has assisted thousands of individuals in improving their farms or gardens. Steve is most widely-known for his exceptional involvement in the Farm-City Tours, which began in 1976. Farm-City Tours allow individuals to get a free up-close-and-personal tour of a family farm in Butler County. Whether it be cattle or Christmas tree farms, Steve has an extraordinary wealth of knowledge that he has been able to share with the citizens of Butler County for many years. His hard work on obtaining a grant that enabled the extension office to hire a fourth agent has allowed many more Butler County children to be educated on this vital industry.

Steve's contributions to the Ohio State University Extension Butler County Office will be felt for many years to come. While I and the Extension Office are sad to see him go, I would like to congratulate him on his accomplishments and wish him a long, happy, and healthy retirement.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BURTON of Indiana. Madam Speaker, due to mechanical difficulties involving my flight back to Washington, DC from Indianapolis, I was unable to be on the House Floor for roll call votes 478 and 479.

Had I been present I would have voted aye on Roll Call vote 478—Directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol; and nay on Roll Call vote 479—To create a new Federal grant program to facilitate an iron working training program for Native Americans.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I submit a listing of the congressionally directed projects I requested in my home state of Idaho that are contained in the report of H.R. 2997, the FY2010 Agriculture Appropriations bill.

Project Name: Aquaculture Research Initiative

Amount Received: $529,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Research and development of strains of barley for the production of high-value protein concentrates from barley and oats that can be used as fish feed. Increasingly, fish that are consumed worldwide originate from aquaculture. This increase has taxed global supplies of marine protein and oil traditionally used in aquafeeds resulting in record prices for these commodities. Idaho is a leader in the national aquaculture industry, producing over 70% of the nation's commercially grown rainbow trout and generating $100 million per year. Funding would support innovative research to develop new ways of addressing problems in the industry.

Project Name: Barley for Rural Development

Amount Received: $514,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Funding for this program would support research directed at the continued development of improved malt, feed, cellulosic ethanol and food barley varieties for growers and value-added end-users in rural Idaho, Montana, and North Dakota communities. This research is starting to expand and meet market opportunities, addressing the critical need of growers in production agriculture to increase economic yield, enhance domestic and international market access, improve production technologies, better compete with Canadian imports and reduce dependence on government subsidies. Research supported by this project will increase the manufacture and sale of value-added barley products (malt, beer, fuel, food, livestock) in these states, having a substantial positive impact on their economies, supporting jobs, generating business activity, and federal, state, and local tax revenue. Maintenance of the strength of barley in the Idaho economy requires continual efforts to improve crop quality and productivity. This can only be accomplished by investing in strong research programs that keep the industry at the forefront.

Project Name: COOL Season Legume Research

Amount Received: $235,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: This program is an aggressive cooperative research program between the USDA, the University of Idaho, and the University of Washington that seeks new, high-yielding, high-quality, nutritious dry pea, lentil, and chickpea varieties to meet producer and consumer needs. This research focuses on the breeding of new, superior varieties of legumes; management of nematodes, insects, plant diseases and weeds that can limit production; and reduction of soil erosion and water degradation associated with production, as well as the development of value-added new products. The technology being generated through the research is essential for the pea, lentil, and chickpea industries to remain competitive and profitable. Funding would be provided to the University of Idaho through the USDA ARS facility located at 29603 U of I Lane, Parma, Idaho 83660.

Project Name: Greater Yellowstone Interagency Brucellosis Committee

Amount Received: $650,000

Account: USDA/APHIS

Recipient: Idaho State Department of Agriculture

Recipient's Street Address: 2270 Old Penitentiary Road, Boise, ID 83712

Description: Idaho, Montana, and Wyoming are each required by law to manage brucellosis-infected wildlife within their borders in order to prevent the spread of brucellosis to non-infected wildlife, cattle, or domestic bison. The Committee is coordinating with federal, state, and private actions in eliminating brucellosis from wildlife in the Greater Yellowstone Area and preventing transmission of this disease from wildlife to livestock. The funding will be used to develop and implement brucellosis herd unit management plans; to perform functions and duties of Idaho relative to the Greater Yellowstone Interagency Brucellosis Committee; to conduct brucellosis prevention, surveillance, control and eradication activities in Idaho and the Greater Yellowstone Area.

Project Name: Increasing Shelf-Life of Agriculture Commodities

Amount Received: $603,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: In order to prevent serious food safety issues, this project will fund research and development of bio-electronic sensors that can detect the presence of microbial pathogens in food and food products. Preventative detection and treatment at the agricultural commodity level and fast, accurate detection of biological pathogens and dangerous food toxins is an important element for ensuring safety and shelf life. The research being conducted in this area at the University of Idaho will advance and expand previous work on biosensor systems to further enhance preventative detection and treatment of biological pathogens and dangerous food toxins.

Project Name: Nez Perce Bio-Control Center

Amount Received: $176,000

Account: USDA/APHIS

Recipient: Nez Perce Tribe Bio-Control Center

Recipient's Street Address: 102 Agency Road, Lapwai, ID 83540

Description: The Nez Perce Bio-Control Center is authorized by the Noxious Weed Control and Eradication Act of 2004 and manages and establishes nurseries to increase biological control organism availability, distribute

biological control organisms, monitor their impacts, and provide an increased number of annual technology transfer workshops to Cooperative Weed Management Areas and other landowners and managers regionally. This funding will continue the partnership between USDA and the Nez Perce Tribe to maximize the effectiveness of implementing a complete bio-control of weeds program in an Integrated Weed Management strategy. The Center will increase the availability of agents for landowners and managers throughout the region. Biological control offers long-term management of invasive weeds and can be used with other integrated pest management approaches.

Project Name: Potato Cyst Nematode Research

Amount Received: $349,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: This funding would be used by the University of Idaho for research and development of means to eradicate and better protect the Idaho potato crop from the soil-borne pathogen potato cyst nematode, hardened nematode bodies filled with eggs which can persist in the soil for up to 25 years. Current eradication depends upon methyl bromide, which is not totally effective and which may be banned because of its ozone depleting properties, as well as other chemicals which are even less effective and several of which may also be banned. The funds will be used to maximize the efficiency of methyl bromide while it is available and develop new ''green'' replacement eradicants (such as green manure or biologically derived nematicides) and procedures (advance hatching frequency), as well as to improve planting material screening procedures and to study plant-vector-virus relationships, which may also lead to new ways to fight potato viruses. Previous funding established the groundwork and prepared the University of Idaho to fully implement the needed research. This project will work, in concert with the ongoing USDA eradication program by providing new methods of treatment. This crop pest can result in 80% yield reductions and has negatively affected agricultural trade. There is a good chance that if this threat is addressed with adequate research and treatment it can be eliminated.

Project Name: Potato Research/Multistate Potato Variety Development Program

Amount Received: $1,037,000

Account: USDA/CSREES

Recipient: University of Idaho through CSREES

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: This funding would be used to support an on-going research program that provides critical support to the potato industry through the development of new potato varieties and resistance to disease and pests. The ARS research station at Aberdeen, Idaho, has produced eight new potato varieties, and it has participated in the development of twelve other varieties nationwide. With the increasing threat of disease and pests, new varieties are crucial for America's agriculture community. Research will be performed at USDA's Pacific West Area ARS facility, located at 1691 S. 2700 W., Aberdeen, Idaho 83210.

Project Name: Small Fruit Research, ID, OR, WA

Amount Received: $307,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: The Small Fruits Initiative—Plant Improvement project will build upon the strengths of existing cooperative research programs aligned through the Northwest Center for Small Fruits Research. This ongoing tri-state program supports the development of small fruits as an alternative agriculture crop in the Pacific Northwest. The funding will strengthen existing programs throughout the region and add key programs to fill in critical gaps that are not met by the existing infrastructure associated with the Center, providing key resources for Idaho scientists to address problems that negatively impact the emerging berry, grape, and wine industries in the Northwest.

Project Name: STEEP III—Water Quality in the Northwest

Amount Received: $444,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Soil erosion affects 10 million acres of cropland in the Inland Pacific Northwest, reducing farm productivity. STEEP is a coordinated research and technology transfer program designed to develop and implement erosion control practices for agriculture. Emerging environmental and human health concerns also require control of erosion and other environmental impacts of agriculture. New strategies and cropping systems for the protection of soil, water, and air resources are being developed and assessed through collaborative research conducted by scientists in the Pacific Northwest. The STEEP program continues to provide Pacific Northwest farmers and supporting agribusiness entities the new conservation technologies, tools, and understanding to meet evolving demands of agriculture, the environment, and Pacific Northwest residents.

Project Name: Tri-State Predatory Control

Amount Received: $926,000

Account: USDA/APHIS

Recipient: USDA Animal Plant Health Inspection Service

Recipient's Street Address: 9134 West Blackeagle Drive, Boise, ID 83709

Description: This project would continue assistance to Idaho, Montana, and Wyoming to control wolves and other predators. The Yellowstone wolf population has reached levels 3 to 4 times the initial recovery goals, leading to a delisting from the ESA earlier this year for the wolves in Idaho and Montana and leaving states responsible for managing the increasing wolf populations. As a result, ranchers are facing increasing threats from these predators. The continuation of this program will ensure that the tri-state area will be able to address predator management.

I appreciate the opportunity to provide a list of congressionally-directed projects I requested that have received funding in the Agriculture Appropriations Act for FY2010 and provide an explanation of my support for them.

A TRIBUTE TO HILL AVENUE GRACE LUTHERAN CHURCH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Hill Avenue Grace Lutheran Church of Pasadena, California. The church is celebrating its ninetieth anniversary with a year-long series of celebrations commemorating the church's significant history in Pasadena.

In 1914, Martha Thompson, Laura Tallakson, Christiana Ellingson, and Thea Thompson, members of a small Norwegian-speaking Lutheran congregation in Pasadena, founded the ''Dorcas Club.'' The group grew steadily over the next few years and dedicated itself to forming an officially recognized mission church and in 1919, the United Lutheran Synod Church was established. The new church, with its first pastor, N.B. Thorpe presiding, held services in a storefront building on Lake Avenue in Pasadena. In 1923 the congregation purchased a church building at Mountain Street and Summit Avenue in Pasadena. Under the leadership of Pastor W.J. Maakestad, the church's name was changed to Grace Lutheran Church, and in 1926, church services changed from Norwegian to English.

By the late 1940s, after years of growth under Pastor Joseph Berg, the church needed more space, so the congregation built a new, larger church on Hill Avenue in Pasadena and changed the name to Hill Avenue Grace Lutheran Church. In 1966, the church was extensively remodeled, and the Sanctuary was rededicated under longtime Pastor Amon Johnson. Since then, Hill Avenue Grace Lutheran Church has continued to grow, adding a preschool and a new chapel, among other expansions.

Today, under the leadership of Pastor Anthony Auer, Hill Avenue Grace Lutheran Church is not only a vibrant Lutheran congregation but a dedicated community servant. Among its many other programs, church members run a weekly Food Shelf, help staff the Cold Weather Shelter, provide food vouchers for underprivileged students at Pasadena City College, and sew quilts and knit prayer shawls as part of the Prayers and Squares program. Alongside other Pasadena-area Lutheran churches, Hill Avenue Grace Lutheran Church has participated in operating Jacob House, a day shelter for homeless teens and adults, and Rachel House, a day shelter for women with children. The church also runs the Grace Christian Academy, a K–8 school dedicated to academic, social, physical, and spiritual growth.

I consider it a great privilege to represent Hill Avenue Grace Lutheran Church and I ask all Members to join me in congratulating the congregation upon their 90th anniversary.

HONORING CHARITY TOWNSEND CALDWELL

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. COHEN. Madam Speaker, I rise today to honor the heroic acts of Charity Townsend Caldwell.

On May 2, 2009, Charity Townsend Caldwell, a great citizen of Memphis, TN gave someone a chance; but this chance wasn't a government program or a random act of kindness, it was the greatest gift of all . . . life. Charity Townsend Caldwell was arriving at her own graduation from nursing school, when her college dean had a heart attack, and was immediately surrounded by a crowd of people. Caldwell, following her instincts, ran through the crowd of people and immediately got down on her knees to assist her former administrator. Within seconds Caldwell had saved a man's life that would undoubtedly had been lost if she had not acted as quickly as she did.

What Charity Caldwell's actions prove is that when people are given great tools, they can do great things, despite their hardships. Caldwell was given a superb education from the Nursing School of Southwest Community College located in Memphis, TN, and the knowledge she gained from this institution prepared her to act in any situation, even at her own graduation. While Caldwell worked against the odds to save a man's life, it was nothing new for her, because she is very familiar with overcoming challenges. She was a single mother, held a fulltime job, and was doing this while attending nursing school. Because of Charity's tenacity and faith, she found herself saving a life at her own graduation. The story of Charity Caldwell proves, that when people are given a chance to excel, they do and in extraordinary ways. Again, I would just like to congratulate and thank Charity Townsend Caldwell for showing us that hard work and perseverance not only affect an individual's life, it can literally save another.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mrs. MALONEY. Madam Speaker, on June 26, 2009, I missed rollcall vote No. 466. Had I voted, I would have voted "yea" on rollcall vote No. 466, on agreeing to the resolution, H. Res. 587, providing for consideration of H.R. 2454, American Clean Energy and Security Act.

THE FIGHTING AGGIES OF TEXAS A&M

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. POE of Texas. Madam Speaker, Texas A&M University was founded in 1876 as a land grant college under the Morrill Act. The university began as an all male military school until after World War II. Aggies have been serving with honor in the armed forces since the Spanish American War of 1898. In fact, Texas A&M is the largest provider of military officers outside of the Nations service academies. General George S. Patton said, Give me an army of West Point graduates, and I'll win a battle Give me a handful of Texas Aggies, and I'll win a war.

During the Spanish American War, eighty-nine Aggies served in the Army, and sixty-three Aggies served as officers. When the United States became involved in World War I, 702 A&M graduates served in the military, and 668 graduates were officers. Texas A&M trained over 4000 troops during World War I.

It was World War II, however, when Texas A&M exhibited its expertise in training soldiers as well as scholars. Twenty thousand Aggies served in World War II; fourteen thousand of these men were officers, and twenty-nine were generals. In order to speed up the process of sending more Aggies to the front lines of the war, Texas A&M instituted a twelve-month, three semester training program to prepare its soldiers. The entire graduating classes of 1941 and 1942 enlisted in the armed services immediately following graduation. Seven Congressional Medal of Honor winners during the second world war were graduates from Texas A&M. They included MAJ Horace S. Carswell, Jr., class of 1938; LT Thomas W. Fowler, class of 1943; LT Eli Whitely, class of 1941; SGT William Harrell, class of 1942; 2LT Lloyd D. Hughes, class of 1943; LT Turney W. Leonard, class of 1942; and SGT George D. Keathley, class of 1937.

Six Aggies were survivors of the 131st Texas National Guard Field Artillery, best known as the Lost Battalion because it was three years before the fate of the men was known. They were captured on Java in 1942, and then transported to Burma, where they were forced to build the infamous Railway of Death depicted in the movie Bridge Over River Kwai.

Membership in the Corp of Cadets is now voluntary at Texas A&M; however, the university continues its tradition of training men and women to serve their country through military service.

And that's just the way it is.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082.

Requesting Member: JOHN M. SHIMKUS

Bill number: H.R. 3082

The Account: Air NG

Requesting Entity: Lincoln Capital Airport, 1200 Capital Airport Drive, Springfield, IL 62707.

The funding for this project will go towards relocating the entrance road at the Air National Guard Base at Abraham Lincoln Capital Airport. The relocation is necessary to meet the Homeland Security back requirements and will ensure that the base can remain one of the largest employers in Central Illinois.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2997

Account: Department of Agriculture, Natural Resources Conservation Service

Legal Name of Recipient: Kentucky Division of Conservation

Address of Recipient: 375 Versailles Road, Frankfort, KY 40601

Description of Request: Provide $545,000 in directed funding for conservation technical assistance grants to the Kentucky Soil Conservation Districts. This locally-led program promotes Kentucky's natural resource priorities and assists in the implementation of various Farm Bill conservation programs on small family farms.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2997

Account: Department of Agriculture, Natural Resources Conservation Service Legal Name of Recipient: Kentucky Division of Conservation

Address of Recipient: 375 Versailles Road, Frankfort, KY 40601

Description of Request: Provide $724,000 for conservation technical assistance to the Kentucky Soil Erosion Control Cost Share Program. The Kentucky Cost Share Program is implemented in coordination with the Environmental Quality Incentives Program to address Kentucky's natural resource concerns. The funds will be used for engineering, designing, installing, and certification of systems/facilities in order to meet national conservation standards.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Amoung: $254,000

Account: USDA's Agriculture Research Service

Entity receiving funds: Northwest Center for Small Fruits Research located at 4845 Southwest Dresden Avenue, Corvallis, OR 97333.

Description: These funds will be used to continue research on sustainability and pathology for small fruits, including berries and wine grapes, that is critical to the Pacific Northwest small fruits industry.

Amount: $3,654,000

Account: USDA's Agriculture Research Service (ARS)—Buildings and Construction

Entity receiving funds: USDA's Agriculture Research Service's Pullman lab, located at 3003 ADBF, WSU, Pullman, WA 99164.

Description: These funds will be used to construct a new research facility in Pullman to be jointly used by Washington State University and Agriculture Research Service scientists.

Amount: $245,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used for the development of biomass potential of aegilops cylindricum and similar grassy weeds.

Amount: $173,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue research to develop technologies, such as mechanized harvesters, that increase the competitiveness of the U.S. asparagus industry, which has been harmed by high levels of imported asparagus from Peru.

Amount: $469,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue the efforts of the International Marketing Program for Agriculture Commodities and Trade (IMPACT) Center at Washington State University, which develops new export marketing opportunities for Washington agricultural products.

Amount: $235,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue research to improve the efficiency of cool season legumes, including dry peas, fresh peas, lentils, and chickpeas, which are important rotational crops in the Northwest.

Amount: $248,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue research on organic cropping systems, nutrient and soil management, and organic seed production.

Amount: $1,037,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used for the continued development and commercialization of new potato varieties.

Amount: $471,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Oregon State University, located at 312 Kerr Administration Building, Corvallis, OR 97331, and Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue the development of research to located and characterize genes of economic importance and use these genes in applied barley breeding.

Amount: $307,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Oregon State University, located at 312 Kerr Administration Building, Corvallis, OR 97331.

Description: These funds will be used for continued research on berry and grape crops, including plant breeding and pest management.

Amount: $444,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue research into the development of planting systems that reduce soil erosion.

Amount: $223,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue the development of virus-free plant material to Northwest wine grape growers to ensure the continued health of the industry.

RECOGNIZING THE 140TH ANNIVERSARY OF THE VILLAGE OF NEW HAVEN

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mrs. MILLER of Michigan. Madam Speaker, I have the distinct honor to represent the Village of New Haven located in Macomb County. On July 17th and 18th, its residents will join together to celebrate the Village's 140th Anniversary, and officially recognize the history, traditions, and culture that has been cultivated over that time.

This special occasion will be marked by a weekend of various festivities that the entire family can enjoy including a fireworks show, games, a tastefest, a classic car show, a musical concert, and numerous presentations commemorating the Village's history.

New Haven was incorporated and organized in 1869. It was later that Spring when Benjamin L. Bates was elected the first Village President and oversaw the population growth and economic expansion of local businesses and industries. During its early origins, the Village was home of the Detroit Grand Trunk Railroad, a sawmill, an electrical powerhouse, a general store, a lumberyard, and numerous family farms spread out across the village.

The Village of New Haven has witnessed significant changes and infrastructure upgrades that lead to its formation. From the first church ever built in 1854 and first telephone installed in 1885 to its current day proximity to easily access major transportation networks like Interstates 94 and 69 that lead to the City of Detroit and Canada; the Village remarkably has been able to preserve its unique identity and the closeness of a community that cares about its people.

I commend Village President Jammie Kincaid for his leadership in organizing this celebration. As important as it is to set a course for the future, it is equally important to remember where we've been. New Haven's ancestors built the village that is enjoyed today; it is our obligation to provide better opportunities for the generations to come.

I congratulate the citizens, officials, businesses, and sponsors on this extraordinary event, and offer my best wishes for a successful anniversary celebration and robust future for the Village of New Haven.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2997—the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2997—the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010, provides for Tulane University, New Orleans, LA, in support of phytoestrogen research project. This is in the Agricultural Research Account in the amount of $1,426,000. This will benefit Tulane University, 6823 St. Charles Avenue, New Orleans, LA 70118, in the form of funding to be used to partner the Tulane/Xavier Center for Bioenvironmental Research (CBR) and the University of Toledo to manipulate phytoestrogen and phyto-antiestrogen levels in soybean seed and soy-based products. This project discovers new effects of natural dietary constituents (phytoestrogens) on health and disease in human; especially, estrogen-sensitive organs, such as breast, reproductive and cardiovascular systems.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of HR 3081, Department of State, Foreign Operations and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 3081, Department of State, Foreign Operations and Related Agencies Appropriations Act, 2010

Account: Global Health and Child Survival

Legal Name of Requesting Entity: Christian Blind Mission International

Address of Requesting Entity: 450 E Park Avenue, Greenville, South Carolina 29601

Description of Request: Of the funding provided for vulnerable children, $2,000,000 is included for child blindness programs to be administered in a manner that the maximum amount of funds are delivered to the field. USAID should consider the work of Christian Blind Mission (CBM) which acts upon the needs and rights of people with disabilities; 18 million people worldwide benefit from CBM's support. 1.5 million children are currently blind, and another 7 million suffer from poor vision. CBM's eye care programs focus on four preventable and reversible sources of blindness: cataract, river blindness, vitamin A deficiency and trachoma.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 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. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2997

Account: ARS, Salaries and expenses account, $819,000

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: ''Catfish Genomics Research'' Taxpayer justification—It is my understanding that this funding, similar to other research dollars the Federal government provides to key universities throughout the United States, in this case would be used to utilize genetic information to help develop fish lines with superior genetic disease resistance. Other objectives of the research include the development of rapid and sensitive pathogen detection tests to help prevent the introduction of pathogens from domestic and foreign sources into the U.S. aquaculture industry. Given the paramount necessity of safeguarding our food supply and the importance that the aquaculture industry plays in the economies of Alabama and other states, this is a prudent use of taxpayers' dollars.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2997

Account: NIFA, SRG account, $1,748,000

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: ''Auburn Research Center on Detection and Food Safety'' Taxpayer justification—It is my understanding that the funding would be used to educate a new generation of engineers and scientists with depth of specific knowledge and breadth from traditional disciplines of engineering and biology that are capable of addressing and resolving complex issues in the food industry like rapidly identify, pinpoint and characterize, through an integration of sensor and information technology, problems that arise in the food supply chain.

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, July 9, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 10

10 a.m.
Finance
To hold hearings to examine the nomination of William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.
SD–215

JULY 13

10 a.m.
Judiciary
To hold hearings to examine the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.
SH–216

JULY 14

Time to be announced
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

9 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the creation of a Consumer Financial Protection Agency.
SD–538

9:30 a.m.
Veterans' Affairs
To hold hearings to examine bridging the gap in care of women veterans.
SR–418

10 a.m.
Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee
To hold hearings to examine consumer protection from fraud.
SR–253

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

Environment and Public Works
To hold hearings to examine economic opportunities for agriculture, forestry communities, and others in reducing global warming pollution.
SD–406

2:30 p.m.
Environment and Public Works
To hold hearings to examine transportation's role in climate change and reducing greenhouse gases.
SD–406

Intelligence
Closed business meeting to markup an original bill authorizing funds for fiscal year 2010 for the intelligence community.
S–407, Capitol

JULY 15

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the public safety impact of contraband cell phones in correctional facilities.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine the REAL ID Act.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Mignon L. Clyburn, of South Carolina, and Meredith Attwell Baker, of Virginia, both to be a Member of the Federal Communications Commission.
SR–253

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 227, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, S. 625, to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas, S. 853, to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, S. 1053, to amend the National Law Enforcement Museum Act to extend the termination date, S. 1117, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, S. 1168 and H.R. 1694, bills to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and H.R. 714, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park.
SD–366

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine the regulation of hedge funds and other private investment pools.
SD–538

JULY 16

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine the Workforce Investment Act of 1998.
SD–430

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine contracting for Alaska native corporations.
SD–342

JULY 21

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 561 and H.R. 1404, bills to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy.
SD–366

JULY 22

10 a.m.
Veterans' Affairs
To hold hearings to examine the nominations of Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training, and Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs for Congressional and Legislative Affairs.
SR–418

2:30 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the role of agriculture and forestry in global warming legislation.
SR–325

JULY 29

9:30 a.m.
Veterans' Affairs
To hold hearings to examine veteran's disability compensation.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7217–S7276

Measures Introduced: Eleven bills and one resolution were introduced, as follows: S. 1408–1418, and S. Res. 210. **Page S7261**

Measures Reported:

S. 423, 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. (S. Rept. No. 111–41) **Page S7258**

Measures Considered:

Department of Homeland Security Appropriations Act: Senate continued consideration of H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto: **Pages S7227–51, S7253**

Adopted:

Leahy Amendment No. 1407 (to Amendment No. 1371), to permanently reauthorize the EB–5 Regional Center Program. **Page S7230**

Sessions Amendment No. 1371 (to Amendment No. 1373), to make the pilot program for employment eligibility confirmation for aliens permanent and to improve verification of immigration status of employees. (By 44 yeas to 53 nays (Vote No. 219), Senate earlier failed to table the amendment.) **Pages S7227, S7228–30, S7230**

By 54 yeas to 44 nays (Vote No. 220), DeMint Amendment No. 1399 (to Amendment No. 1373), to require the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010. **Pages S7227–28, S7230–31**

Rejected:

By 38 yeas to 60 nays (Vote No. 221), Feingold Amendment No. 1402 (to Amendment No. 1373), to require grants for Emergency Operations Centers and financial assistance for the predisaster mitigation program to be awarded without regard to earmarks. **Pages S7227, S7233–41**

By 37 yeas to 61 nays (Vote No. 222), McCain Amendment No. 1406 (to Amendment No. 1373), to strike the provision relating to the Loran-C signal, as recommended by the Administration. **Pages S7243–48**

Pending:

Reid (for Byrd/Inouye) Amendment No. 1373, in the nature of a substitute. **Pages S7227–51, S7253**

Vitter Modified Amendment No. 1375 (to Amendment No. 1373), to prohibit amounts made available under this Act from being used to amend the final rule to hold employers accountable if they hire illegal aliens. **Page S7231**

Grassley Amendment No. 1415 (to Amendment No. 1373), to authorize employers to voluntarily verify the immigration status of existing employees. **Pages S7231–33**

Kyl/McCain Amendment No. 1432 (to Amendment No. 1373), to strike the earmark for the City of Whitefish Emergency Operations Center. **Pages S7241, S7248–51**

Hatch Amendment No. 1428 (to Amendment No. 1373), to amend the Immigration and Nationality Act to extend the religious workers and Conrad-30 visa programs, to protect orphans and widows with pending or approved visa petitions. **Pages S7241–43**

A motion was entered to close further debate on Reid (for Byrd/Inouye) Amendment No. 1373, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 10, 2009. **Page S7253**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 10, 2009. **Page S7253**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Thursday, July 9, 2009, that there be 10 minutes of debate prior to a vote on or in relation to Kyl/McCain Amendment No. 1432 (listed above), with the time equally divided and controlled between Senators Tester and Kyl, or their designees; provided that no amendment be in order to the amendment prior to a vote on or in relation thereto; provided further, that upon the use or

yielding back of time, Senate vote on or in relation to Kyl/McCain Amendment No. 1432 (listed above). **Page S7253**

National Defense Authorization Act—Agreement: A unanimous-consent agreement was reached providing that on Monday, July 13, 2009, after the pledge, prayer, and any Leader remarks, Senate begin consideration of S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Page S7253**

Nominations Received: Senate received the following nominations:

Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

Roberto A. Lange, of South Dakota, to be United States District Judge for the District of South Dakota.

2 Air Force nominations in the rank of general.

7 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general. **Page S7276**

Messages from the House: **Page S7257**

Measures Referred: **Page S7257**

Executive Communications: **Pages S7257–58**

Executive Reports of Committees: **Pages S7258–61**

Additional Cosponsors: **Pages S7261–63**

Statements on Introduced Bills/Resolutions: **Pages S7263–68**

Additional Statements: **Pages S7256–57**

Amendments Submitted: **Pages S7268–75**

Authorities for Committees to Meet: **Pages S7275–76**

Record Votes: Four record votes were taken today. (Total—222) **Pages S7230, S7230–31, S7241, S7248**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:39 p.m., until 9:30 a.m. on Thursday, July 9, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7276.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full committee consideration an original bill making appropriations for Energy and Water Development for fiscal year 2010.

APPROPRIATIONS: ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Financial Services and General Government approved for full committee consideration an original bill making appropriations for Financial Services and General Government for fiscal year 2010.

EFFECTS OF CREDIT CRISIS ON RURAL BANKS AND CREDIT UNIONS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions concluded a hearing to examine the effects of the economic crisis on community banks and credit unions in rural communities, after receiving testimony from Jack Hopkins, CorTrust National Bank Association, Sioux Falls, South Dakota, on behalf of the Independent Community Bankers of America; Frank Michael, Allied Credit Union, Stockton, California, on behalf of the Credit Union National Association; Arthur C. Johnson, American Bankers Association, Grand Rapids, Michigan; Ed Templeton, SRP Federal Credit Union, North Augusta, South Carolina, on behalf of the National Association of Federal Credit Unions; and Peter Skillern, Community Reinvestment Association of North Carolina, Durham.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following bills:

S. 588, to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, with an amendment in the nature of a substitute;

S. 649, to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission, with an amendment in the nature of a substitute;

S. 668, to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, with an amendment in the nature of a substitute;

S. 1194, to reauthorize the Coast Guard for fiscal years 2010 and 2011, with an amendment in the nature of a substitute; and

S. 1308, to reauthorize the Maritime Administration, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Charles F. Bolden, Jr., of Texas, to be Administrator, who was introduced by Senators Hutchison, Nelson (FL), Graham, DeMint, and Representatives Clyburn and Jackson-Lee, Lori Garver, of Virginia, to be Deputy Administrator, who was introduced by Senator Stabenow, both of the National Aeronautics and Space Administration, Deborah A.P. Hersman, of Virginia, to be Chairman of the National Transportation Safety Board, who was introduced by Senator Rockefeller, Richard A. Lidinsky, Jr., of Maryland, to be a Federal Maritime Commissioner, who was introduced by Senator Mikulski, and Polly Trottenberg, of Maryland, to be Assistant Secretary of Transportation for Transportation Policy who was introduced by Senators Boxer and Schumer, after the nominees testified and answered questions in their own behalf.

THREATS TO NATIVE WILDLIFE SPECIES

Committee on Environment and Public Works: Subcommittee on Water and Wildlife with the Subcommittee on Oversight concluded a hearing to examine threats to native wildlife species, after receiving testimony from Senators Levin and Nelson (FL); Gary Frazer, Assistant Director, Fisheries and Habitat Conservation, United States Fish and Wildlife Service, Department of the Interior; Bill Clay, Acting Associate Administrator, Animal and Plant Health Inspection Service, Department of Agriculture; Rebecca Humphries, Michigan Department of Natural Resources, Lansing, on behalf of the Association of Fish and Wildlife Agencies; Gregory M. Ruiz, Smithsonian Environmental Research Center, Edgewater, Maryland; John Torgan, Save the Bay Inc., Providence, Rhode Island; and Jeffrey Hill, University of Florida, Gainesville.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Robert Perciasepe, of New York, to be Deputy Administrator, who was introduced by Senator Cardin, and Craig E. Hooks, of Kansas, to be Assistant Administrator for Administration and Resources Management, both of the Environmental Protection Agency, after the nominees testified and answered questions in their own behalf.

CLIMATE CHANGE LEGISLATION

Committee on Finance: Committee concluded a hearing to examine how climate change legislation relates to international trade considerations, focusing on key challenges associated with estimating the industry effects from climate change measures, after receiving testimony from Loren Yager, Director, International Affairs and Trade, Government Accountability Office; Eileen Claussen, Pew Center on Global Climate Change, Arlington, Virginia; and Gary N. Horlick, Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Arturo A. Valenzuela, of the District of Columbia, to be Assistant Secretary for Western Hemisphere Affairs, who was introduced by Senator Menendez, Thomas Alfred Shannon, Jr., of Virginia, to be Ambassador to the Federative Republic of Brazil, Carlos Pascual, of the District of Columbia, to be Ambassador to Mexico, and Kenneth H. Merten, of Virginia, to be Ambassador to the Republic of Haiti, all of the Department of State.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Kosovo, Nancy J. Powell, of Iowa, to be Director General of the Foreign Service, 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, Maria Otero, of the District of Columbia, to be an Under Secretary of State and Global Affairs, Philip L. Verveer, of the District of Columbia, 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 United States Coordinator for International Communications and Information Policy, Laurie Susan Fulton, of Virginia, to be Ambassador to Denmark, Louis B. Susman, of Illinois, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, Charles H. Rivkin, of California, to be Ambassador to France, and to serve concurrently and without additional compensation as Ambassador to Monaco, Mark Henry Gitenstein, of the District of Columbia, to be Ambassador to Romania, Timothy J. Roemer, of Indiana, to be Ambassador to India, Richard J. Schmierer, of Virginia, to be Ambassador to the Sultanate of Oman, and Gordon Gray, of Virginia, to be Ambassador to the Republic of Tunisia, all of the Department of State.

INDUSTRIAL COMPETITIVENESS UNDER CLIMATE POLICIES

Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine industrial competitiveness under climate policies, focusing on lessons from Europe, after hearing testimony from

Felix Chr. Matthes, Institute for Applied Ecology, Berlin, Germany; Steven Fries, Royal Dutch Shell, The Hague, Netherlands; Wolfgang Weber, BASF Group, Ludwigshafen, Germany; and Ben Lieberman, The Heritage Foundation, Washington, D.C.

FEDERAL PROTECTIVE SERVICE REFORM

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine reform in the Federal Protective Service after receiving testimony from Mark L. Goldstein, Director, Physical Infrastructure Issues, Government Accountability Office; and Gary W. Schenkel, Director, Federal Protective Service, United States Immigration and Customs Enforcement, Department of Homeland Security.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the nominations of Phyllis Corrine Borzi, of Maryland, to be Assistant Secretary of Labor, and Nicole Lurie, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

Also, committee continued consideration of Affordable Health Choices Act, but did not complete action thereon, and will meet again on Thursday, July 9, 2009.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 3122–3136; and 7 resolutions, H. Con. Res. 161–163, and H. Res. 615–16, 619–620, were introduced. **Pages H7836–37**

Additional Cosponsors: **Pages H7837–38**

Reports Filed: Reports were filed today as follows:

H. Res. 617, providing for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010 (H. Rept. 111–193) and

H. Res. 618, providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 111–194). **Page H7836**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Alberto Delgado, Alfa and Omega Church, Miami, Florida. **Page H7743**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 237 ayes to 184 noes with 1 voting "present", Roll No. 487. **Pages H7743, H7781**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 7th:

Utah Recreational Land Exchange Act of 2009: H.R. 1275, amended, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, by a 2/3 recorded vote of 423 ayes with none voting "no", Roll No. 481; **Page H7756**

Tule River Tribe Water Development Act: H.R. 1945, to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, by a 2/3 recorded vote of 417 ayes to 3 noes, Roll No. 482; and **Pages H7756–57**

Supporting National Men's Health Week: H. Con. Res. 142, to support National Men's Health Week, by a 2/3 recorded vote of 417 ayes to 3 noes, Roll No. 495. **Pages H7798–99**

Enhancing Small Business Research and Innovation Act of 2009: The House passed H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, by a recorded vote of 386 ayes to 41 noes, Roll No. 486. **Pages H7757–81**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Simpson motion to recommit the bill to the Committee on Small Business with instructions to report the same back to the House forthwith with instructions, by a recorded vote of 246 ayes to 181 noes, Roll No. 485. **Pages H7779–80**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, in lieu of the amendment recommended by the Committee on Science and Technology now printed in the bill. **Page H7763**

Agreed to the committee amendment in the nature of a substitute by a recorded vote of 411 ayes to 15 noes, Roll No. 484. **Pages H7778–79**

Agreed to: Velázquez manager's amendment (No. 1 printed in H. Rept. 111–192), as modified, that authorizes the Small Business Administration to establish a program to provide matching grants to minority serving educational institutions to develop programs that encourage minority participation in SBIR/STTR programs; gives priority to applications from companies located in areas that have lost a major source of employment; increases the maximum allowable award under Phase I of the SBIR program with respect to applications by veteran owned and controlled small businesses, increases the maximum allowable award under Phase II of the SBIR program with respect to applications by veteran owned and controlled small businesses, and permits small business concerns owned and controlled by veterans to bypass Phase I and apply directly for Phase II awards; adds language to require agencies to report specific reasons why those agency SBIR/STTR goals were or were not achieved; provides special consideration in the awarding of SBIR funds to projects which address renewable energy technologies; requires that veterans be given priority when applying for SBIR and STTR awards; requires the Department of Agriculture and the Environmental Protection Agency to develop a SBIR solicitation that requests research proposals for improving the efficiency of water delivery systems and usage patterns in the U.S. and its territories; expands outreach and support activities to Native American-owned small businesses; prioritizes SBIR outreach and support activities for areas with high unemployment and gives preference to SBIR and STTR award applications submitted by small businesses located in areas with high unemployment; and makes technical corrections to the legislation; **Pages H7771–73**

Brown-Waite (FL) amendment (No. 2 printed in H. Rept. 111–192) that requires GAO to examine and report to Congress on the effect that the venture capital ownership restrictions in Section 102 (venture capital operating companies investment in small businesses) have on eligibility and participation under this act; **Pages H7773–74**

Reichert amendment (No. 4 printed in H. Rept. 111–192), as modified, that gives preference to organizations that are located in under represented states and regions, or are women-, service-disabled-veterans- or minority-owned when awarding grants for Small Business Administration (SBA) outreach efforts authorized under Title III (rural development and outreach); **Pages H7775–76**

Paulsen amendment (No. 5 printed in H. Rept. 111–192) that adds medical technology to the list of topics that deserve special consideration as SBIR research topics; and **Pages H7776–77**

Kosmas amendment (No. 3 printed in H. Rept. 111–192), as modified, that requires commercialization programs established by agencies with space shuttle-related activities to include efforts to help small businesses affected by the termination of the space shuttle program commercialize technologies through SBIR (by a recorded vote of 427 ayes to 4 noes, Roll No. 483). **Pages H7774–75, H7777–78**

H. Res. 610, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 236 yeas to 187 nays, Roll No. 480, after the previous question was ordered without objection. **Pages H7747–56**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces and their families. **Page H7781**

Motion to Adjourn: Rejected the Westmoreland motion to adjourn by a recorded vote of 36 ayes to 364 noes, Roll No. 488. **Pages H7781–82**

Privileged Resolution—Intent to Offer: Representative Price (GA) announced his intent to offer a privileged resolution. **Pages H7782–83**

Motion to Adjourn: Rejected the Foxx motion to adjourn by a yea-and-nay vote of 35 yeas to 368 nays, Roll No. 490. **Pages H7792–93**

Motion to Adjourn: Rejected the Mica motion to adjourn by a recorded vote of 41 ayes to 369 noes, Roll No. 496. **Page H7799**

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010: The House began consideration of H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010. Consideration is expected to resume tomorrow, July 9th. **Pages H7799–H7828**

Agreed to:

Fortenberry amendment (No. 5 printed in part B of H. Rept. 111–191) that increases funding for Rural Energy for America by $2 million, offset by a $2 million reduction for the Office of the Chief Information Officer and **Pages H7807–08**

Garrett (NJ) amendment (No. 6 printed in part B of H. Rept. 111–191) that increases funding for the Natural Resources Conservation Service (NRCS) Conservation Operation Account by $5,000,000 and offsets the increase by decreasing funding for Farm Service Agency (FSA) Salaries and Expenses by the same amount. **Page H7811**

Proceedings Postponed:

DeLauro manager's amendment (No. 1 printed in part A of H. Rept. 111–191) that seeks to increase funding for the Agricultural Research Service salaries and expenses account by $2 million to go toward Colony Collapse Disorder and pollinator decline research, offset by a $1 million reduction in the Office of the Chief Information Officer and a $1 million reduction in Departmental Administration. Would increase funding for the National Institute of Food and Agriculture competitive grants by $3,000,000 to be used for Colony Collapse Disorder (CCD) and pollinator decline research, and offsets the increase by a reduction in funding for the Departmental Administration. Seeks to increase funding for the Office of Inspector General at USDA by $500,000 to determine whether the USDA Organic certification program ensures that the most rigorous standards for certification are honored, and to investigate whether non-organic substances inappropriately remain allowed in small amounts in USDA certified products after organic alternatives have been discovered. The increase is offset by a decrease of the same amount in funding for the Agriculture Buildings and Facilities, General Services Administration account. Seeks to increase the appropriation for the Higher Education Multicultural Scholars Program by $519,000 to a total of $1.5 million. The amount would be offset by decreasing appropriations for "administrative expenses necessary to carry out direct and guaranteed loan programs" within the Agricultural Credit Insurance Fund Program Account. Seeks to appropriate tobacco product user fees authorized under the Family Smoking Prevention and Tobacco Control Act (Public Law 111–31). Seeks to fund the Methamphetamine Inhibitor Grant Program created in the 2008 Farm Bill at $2,000,000. Offsets the increase in spending by reducing spending on Rural Development Salaries and Expenses. Seeks to prohibit the use of funds for first class travel for employees of agencies funded by the bill, in contravention of Federal regulations; **Page H7805–06**

Brady (TX) amendment (No. 2 printed in part B of H. Rept. 111–191) that seeks to transfer $50,000 from the Chief Economist to the Economic Research Service; **Pages H7806–07**

Capito amendment (No. 4 printed in part B of H. Rept. 111–191) that seeks to transfer $10,038,000 in the bill from the USDA Office of the Chief Information Officer (OCIO) to the Rural Utilities Service Rural Water and Waste Disposal Program (restoring the latter to FY09 appropriation levels); **Page H7807**

Broun (GA) amendment (No. 3 printed in part B of H. Rept. 111–191) that seeks to reduce FDA funding by $373 million to equal the FY09 level; **Pages H7815–17**

Blackburn amendment (No. 1 printed in part B of H. Rept. 111–191) that seeks to make an across-the-board cut of 5 percent to all discretionary funding accounts in the bill; **Pages H7819–20**

Hensarling amendment (No. 6 printed in part E of H. Rept. 111–191) that seeks to prohibit certain funds in the bill from being used for the National Biodiversity Conservation Strategy project, Kiski Basin, PA and seeks to reduce funds under the heading "Agricultural Research Service—Salaries and Expenses" by the amount that was to have been spent on the National Biodiversity Conservation Strategy project, Kiski Basin, PA; **Pages H7820–21**

Campbell amendment (No. 2 printed in part C of H. Rept. 111–191) that seeks to prohibit certain funds in the bill from being used for Specialty Crops in Indiana and to reduce funds under the heading "National Institute of Food and Agriculture—Research and Education Activities" by the amount that was to have been spent on Specialty Crops in Indiana; **Pages H7821–22**

Flake amendment (No. 9 printed in part D of H. Rept. 111–191) that seeks to prohibit certain funds in the bill from being used for the Foundry Sand By-Products Utilization project in Beltsville, MD and to reduce funds under the heading "Agricultural Research Service—Salaries and Expenses" by the amount that was to have been spent on the Foundry Sand By-Products Utilization project in Beltsville, MD; **Pages H7822–23**

Flake amendment (No. 4 printed in part D of H. Rept. 111–191) that seeks to prohibit certain funds in the bill from being used for the Agriculture Energy Innovation Center in Georgia and to reduce funds under the heading "National Institute of Food and Agriculture—Research and Education Activities" by the amount that was to have been spent on the Agriculture Energy Innovation Center in Georgia; **Pages H7824–25**

Flake amendment (No. 12 printed in part D of H. Rept. 111–191) that seeks to prohibit certain funds in the bill from being used for Potato Research in Idaho, Oregon and Washington and to reduce funds under the heading "National Institute of Food and Agriculture—Research and Education Activities" by the amount that was to have been spent on Potato Research in Idaho, Oregon and Washington; and **Pages H7825–26**

Kingston amendment (No. 7 printed in part B of H. Rept. 111–191) that seeks to prohibit funds from being used to administer or pay the salary of personnel who administer any broadband loans or loan guarantees on or before September 15, 2010. **Pages H7826–28**

H. Res. 609, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of

238 yeas to 186 nays, Roll No. 493, and the Mica motion to reconsider the vote was rejected by a recorded vote of 170 ayes to 254 noes, Roll No. 494. Earlier, agreed to order the previous question by a yea-and-nay vote of 239 yeas to 183 nays, Roll No. 491, and rejected the Mica motion to reconsider the vote by a recorded vote of 175 ayes to 251 noes, Roll No. 492. **Pages H7783–98**

A point of order was raised against the consideration of H. Res. 609 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 244 yeas to 185 nays, Roll No. 489. **Pages H7784–86**

House of Representatives Page Board—Appointment: The Chair announced the Speaker's appointment of Representatives Kildee and DeGette to the House of Representatives Page Board. **Page H7828**

House of Representatives Page Board—Appointment: Read a letter from the Minority Leader wherein he reappointed Representatives Bishop (UT) and Foxx to the House of Representatives Page Board. **Page H7828**

House of Representatives Page Board—Appointment: The Chair announced the Speaker's and Minority Leader's joint reappointment of the following individuals to the House of Representatives Page Board for a term of one year, effective July 8, 2009: Ms. Lynn Silversmith Klein of Maryland and Mr. Adam Jones of Michigan. **Page H7828**

Quorum Calls—Votes: Five yea-and-nay votes and 12 recorded votes developed during the proceedings of today and appear on pages H7755–56, H7756, H7757, H7777–78, H7778–79, H7779–80, H7780–81, H7781, H7781–82, H7785–86, H7792–93, H7795, H7796, H7797, and H7797–98. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:28 p.m.

Committee Meetings

PREVENTING SCHOOL BULLYING

Committee on Education and Labor: Subcommittee on Early Childhood, Elementary and Secondary Education and the Subcommittee on Healthy Families and Communities held a joint hearing on Strengthening School Safety through Prevention of Bullying. Testimony was heard from public witnesses.

PROPOSED CONSUMER FINANCIAL PROTECTION AGENCY

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing to examine the Administration's proposal to create a new agency responsible for consumer protection with regard to financial products and services. Testimony was heard from Jon Leibowitz, Chairman, FTC; Michael Barr, Assistant Secretary, Financial Institutions, Department of the Treasury; and public witnesses.

BOTTLED WATER REGULATION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Regulation of Bottled Water." Testimony was heard from John Stephenson, Director, Natural Resources and the Environment, GAO; Joshua M. Sharfstein, Deputy Commissioner, FDA, Department of Health and Human Services; and public witnesses.

SECTION 8 VOUCHER REFORM ACT OF 2009

Committee on Financial Services: Began markup of H.R. 3045, Section 8 Voucher Reform Act of 2009.

Will continue tomorrow.

U.S.-UAE NUCLEAR COOPERATION

Committee on Foreign Affairs: Held a hearing on Nuclear Cooperation with the United Arab Emirates: Review of the Proposed U.S.-UAE Agreement. Testimony was heard from Ellen O. Tauscher, Under Secretary, Arms Control and International Security, Department of State.

FEMA HOUSING

Committee on Homeland Security: Held a hearing entitled "FEMA Housing: An Examination of Current Problems and Innovative Solutions" Testimony was heard from the following officials of the Department of Homeland Security: Craig Fugate; Administrator, FEMA; and Richard L. Skinner, Inspector General; and public witnesses.

MILITARY COMMISSIONS LEGAL ISSUES

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on Legal Issues Surrounding the Military Commissions System. Testimony was heard from Representative Schiff; and public witnesses.

PRISON RAPE ELIMINATION REPORT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on National Prison Rape Elimination Commission Report and Standards. Testimony was heard from Reggie B. Walton, Judge, U.S. District Court of the District of Columbia and Chair, National Prison Rape Elimination Act Commission; Jon Ozmint, Director, Department of Corrections, State of South Carolina; and public witnesses.

CHESAPEAKE/THUNDER BAY MEASURES

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on the following bills: H.R. 1771, Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009; H.R. 1053, Chesapeake Bay Accountability and Recovery Act of 2009; and H.R. 905, Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act. Testimony was heard from Peyton Robertson, Director, Chesapeake Bay Office, NOAA, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 481, North Country National Scenic Trail Route Adjustment Act of 2009; H.R. 685, United States Civil Rights Trail System Act of 2009; H.R. 1593, To amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; and H.R. 2167, To authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain lands as the Los Caminos del Rio National Heritage Corridor; Testimony was heard from Representatives Oberstar, Clay and Cuellar; Daniel N. Wenk, Acting Director, National Park Services, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; and public witnesses.

ECONOMIC STIMULUS OVERSIGHT

Committee on Oversight and Government Reform: Held a hearing entitled ''Tracking the Money: Preventing Waste, Fraud, and Abuse of Recovery Act Funding.'' Testimony was heard from Gene L. Dodaro, Acting Comptroller General, GAO: Robert Nabors, Deputy Director, OMB; Martin O'Malley, Governor, State of Maryland; Deval Patrick, Governor, Commonwealth of Massachusetts; and Edward Rendell, Governor, Commonwealth of Pennsylvania.

DOMESTIC PARTNERSHIP BENEFITS AND OBLIGATIONS ACT OF 2009

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a hearing to examine H.R. 2517, Domestic Partnership Benefits and Obligations Act of 2009. Testimony was heard from Representative Baldwin; John Berry, Director, OPM; and public witnesses.

FEDERAL FINANCIAL MANAGEMENT OVERSIGHT

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization, and Procurement held a hearing on Oversight of Federal Financial Management. Testimony was heard from Representative Cuellar; Gene L. Dadaro, Acting Comptroller General; Richard L. Gregg, Acting Fiscal Assistant Secretary, Department of the Treasury; Peggy Sherry, Acting Chief Financial Officer, Department of Homeland Security; Ronald Spoehel, Chief Financial Officer, NASA; and a public witness.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

Committee on Rules: Granted, by a record vote of 8 to 2, a structured rule. The rule provides one hour of general debate on H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010, 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 amendment printed in part A of the report of the Committee on Rules, and the amendments printed in part B of the report. 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 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 demand for division of the question. The rule provides one motion to recommit with or without instructions.

The rule provides that after consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). Finally, the rule provides that during consideration of the bill, the Chair may reduce to two minutes the minimum time for electronic voting. Testimony was heard by Representatives Lowey, Payne, Waters, Stupak, Herseth Sandlin, Granger, Lewis (CA), Smith (NJ), Burton, Goodlatte, Dent, and Jordan.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Committee on Rules: Granted, by a record vote of 8 to 2, a structured rule. The rule provides for one hour of general debate on H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010, equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The rule waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The rules provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence

shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment.

The rule makes in order only those amendments printed in the report of the Committee on Rules and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI.

The amendments made in order may be offered only in the order printed in the Rules Committee report, may be offered only by a Member designated in the Committee report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule provides for the reporting to the House of the amendment in the nature of a substitute, as amended, and the ordering of the previous question on the bill and amendments except one motion to recommit with or without instructions. It provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Permanent Select Committee on Intelligence or a designee. It provides that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). Finally, during consideration of the bill, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX. Testimony was heard by Chairman Reyes, Representatives Giffords, Hoekstra, and Kirk.

FIRE GRANT PROGRAMS REAUTHORIZATION

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on the Reauthorization of the FIRE Grant Programs. Testimony was heard from Representative Pascrell; Timothy Manning, Deputy Administrator, National Preparedness Directorate, FEMA, Department of Homeland Security; and public witnesses.

PROJECTED PHYSICIAN SHORTAGE

Committee on Small Business: Held a hearing entitled "The Looming Challenge for Small Medical Practices: The Projected Physician Shortage and How Health Care Reforms Can Address the Problem." Testimony was heard from public witnesses.

GSA CAPITAL INVESTMENT AND LEASING PROGRAM

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on the General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program (CILP). Testimony was heard from Anthony Costa, Acting Commissioner, Public Buildings Services, GSA.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JULY 9, 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 Energy and Water Development, Financial Services and General Government, State, Foreign Operations, and Related Agencies, 2 p.m., SD–106.

Committee on Armed Services: to hold hearings to examine the nominations of General James E. Cartwright, for reappointment as the Vice Chairman of the Joint Chiefs of Staff and reappointment to the grade of general, of the Marine Corps, and Admiral Robert F. Willard, for reappointment to the grade of admiral and to be Commander, Pacific Command, of the Navy, 9:30 a.m., SD–106.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of Wilma A. Lewis, of the Virgin Islands, to be an Assistant Secretary, and Robert V. Abbey, of Nevada, to be Director of the Bureau of Land Management, both of the Department of the Interior; and Richard G. Newell, of North Carolina, to be Administrator of the Energy Information Administration, Department of Energy, 2 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety, to hold an oversight hearing to examine the Environmental Protection Agency's clean air regulations, one year after the CAIR and CAMR federal court decisions, 10 a.m., SD–406.

Committee on Health, Education, Labor, and Pensions: business meeting to continue consideration of Affordable Health Choices Act, subcommittee assignments, and any nominations cleared for action, 10 a.m., SR–325.

Committee on Small Business and Entrepreneurship: to hold hearings to examine health care reform, focusing on the concerns and priorities from the perspective of small businesses, 10 a.m., SR–428A.

House

Committee on Agriculture, Subcommittee on Rural Development, Biotechnology, Specialty Crops, and Foreign Agriculture, hearing to review rural broadband programs, 10 a.m., 1300 Longworth.

Committee on Armed Services, Defense Acquisition Reform Panel, hearing on challenges to effective acquisition and management of information technology systems, 8 a.m., 2212 Rayburn.

Subcommittees on Readiness, Air and Land Forces and Seapower and Expeditionary Forces, joint hearing on the status of Army and Marine Corps reset requirements, 9:30 a.m., 2118 Rayburn.

Committee on Financial Services, to continue markup of H.R. 3045, Section 8 Voucher Reform Act of 2009, 9:30 a.m., followed by a hearing on H.R. 3068, TARP for Main Street Act of 2009, 10 a.m., 2128 Rayburn.

Subcommittee on Domestic Monetary Policy and Technology, hearing entitled ''Regulatory Restructuring: Balancing the Independence of the Federal Reserve Monetary Policy with Systemic Risk Regulation,'' 1:30 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation, and Trade, hearing on The Export Administration Act: A Review of Outstanding Policy Considerations, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, to mark up H.R. 1881, Transportation Security Workforce Enhancement Act of 2009. 2 p.m., 311 Cannon.

Committee on the Judiciary, hearing on Trends Affecting Minority Broadcast Ownership, 10 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, hearing on Home Foreclosures: Will Voluntary Mortgage Modification Help Families Save Their Homes? 1 p.m., 2237 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 2314, Native Hawaiian Government Reorganization Act of 2009; H.R. 1061, Hoh Indian Tribe Safe Homelands Act; H.R. 715, Saguaro National Park Boundary Expansion and Study Act of 2009; H.R. 1376, Waco Mammoth National Monument Establishment Act of 2009; and H.R. 1121, Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing on The Rise of the Mexican Drug Cartels and U.S. National Security, 10 a.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing on Census Data and Its Use in Federal Formula Funding, 2 p.m., 2247 Rayburn.

Committee on Rules, to consider H.R. 3082, Military Construction and Veterans Affairs Appropriations Act, 2010, 3 p.m., H–313 Capitol.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on the Technology Research and Development Efforts to the Energy and Water Linkage, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Technology, hearing entitled ''Helping Small Business Innovators Through the Research and Experimentation Tax Credit,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on The National Maritime Center and Mariner Credentials, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, to mark up the following bills: H.R. 2379, Veterans' Group Life Insurance Improvement Act of 2009; H.R. 2774, Families of Veterans Financial Security Act; and H.R. 2968, To amend title 38, United States Code, to eliminate the required reduction in the amount of the accelerated death benefit payable to certain terminally-ill persons insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance, 2 p.m., 334 Cannon.

Subcommittee on Health, to mark up the following bills: H.R. 1197, Medal of Honor Care Equity Act of 2009; H.R. 1293, Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009; H.R. 1302, To amend titled 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; H.R. 1335, To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; H.R. 1546, Caring for Veterans with Traumatic Brain Injury Act of 2009; H.R. 2770, Veterans Nonprofit Research and Education Corporations Enhancement Act of 2009; H.R. 2926, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide, without expiration, hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to herbicide and veterans of the Persian Gulf War; and a draft discussion on Family Caregivers, 10 a.m., 334 Cannon.

Joint Meetings

Joint Economic Committee: to hold hearings to examine commercial real estate, 10 a.m., 2226, Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 9

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 90 minutes), Senate will continue consideration of H.R. 2892, Department of Homeland Security Appropriations Act, and after a period of debate, vote on or in relation to Kyl/McCain Amendment No. 1432 (to Amendment No. 1373).

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 9

House Chamber

Program for Thursday: Complete consideration of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010. Consideration of H.R. 2701—Intelligence Authorization Act for Fiscal Year 2010 (Subject to a Rule) and H.R. 3081—Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Aderholt, Robert B., Ala., E1663
Barrett, J. Gresham, S.C., E1674
Bartlett, Roscoe G., Md., E1675
Barton, Joe, Tex., E1674
Boehner, John A., Ohio, E1681
Bonner, Jo, Ala., E1675, E1677
Boozman, John, Ark., E1667
Broun, Paul C., Ga., E1670
Brown-Waite, Ginny, Fla., E1670
Burton, Dan, Ind., E1681
Calvert, Ken, Calif., E1679
Cao, Anh ''Joseph'', La., E1684, E1684
Childers, Travis W., Miss., E1679
Cohen, Steve, Tenn., E1683
Crowley, Joseph, N.Y., E1675
Delahunt, Bill, Mass., E1668
Graves, Sam, Mo., E1679
Green, Al, Tex., E1663
Harper, Gregg, Miss., E1669
Hastings, Doc, Wash., E1680, E1683
Hill, Baron P., Ind., E1664
Hoekstra, Peter, Mich., E1663
Inglis, Bob, S.C., E1685
Jenkins, Lynn, Kans., E1672
Johnson, Timothy V., Ill., E1669
King, Steve, Iowa, E1668
Kingston, Jack, Ga., E1677
Kissell, Larry, N.C., E1671
Latham, Tom, Iowa, E1677
Lee, Christopher John, N.Y., E1680
Lewis, Jerry, Calif., E1673
McHugh, John M., N.Y., E1679
Maloney, Carolyn B., N.Y., E1683
Massa, Eric J.J., N.Y., E1671, E1676
Miller, Candice S., Mich., E1684
Miller, Jeff, Fla., E1680
Moran, James P., Va., E1671
Neugebauer, Randy, Tex., E1664
Platts, Todd Russell, Pa., E1673
Poe, Ted, Tex., E1683
Putnam, Adam H., Fla., E1671
Rangel, Charles B., N.Y., E1664
Rehberg, Denny, Mont., E1666
Reyes, Silvestre, Tex., E1666
Rogers, Harold, Ky., E1683
Rogers, Mike, Ala., E1663, E1665, E1666, E1685
Rohrabacher, Dana, Calif., E1675
Ros-Lehtinen, Ileana, Fla., E1664, E1674, E1676
Schiff, Adam B., Calif., E1682
Schock, Aaron, Ill., E1676
Shimkus, John, Ill., E1683
Simpson, Michael K., Idaho, E1681
Smith, Christopher H., N.J., E1680
Sullivan, John, Okla., E1665
Thompson, Glenn, Pa., E1670, E1671, E1672, E1673, E1674, E1674
Tiahrt, Todd, Kans., E1674
Weiner, Anthony D., N.Y., E1670

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