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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 29, 2009.

I hereby appoint the Honorable JESSE L. JACKSON Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Jonathan Falwell, Thomas Road Baptist Church, Lynchburg, Virginia, offered the following prayer:

Our Heavenly Father, we thank You for our great Nation. We thank You for what You have done to make this Nation a lighthouse to the world and a beacon of hope to people everywhere.

We know, as our forefathers knew and as the Scriptures tell us, that righteousness exalts a nation but sin is a reproach to any people. And so, today, we ask Your forgiveness for the sins that we as a people, and we as a Nation, have committed.

Today we seek Your wisdom and Your guidance in all that takes place in this room. We ask You to be a lamp unto our feet and a light unto our path. We ask You to protect the men and women who serve here in this place. We ask You to protect the men and women who serve our Nation around the world today and are in harm's way. We ask You to lead them as they lead us.

And above all, we ask You to continue to bless this great land that we call home. And in Jesus' name we pray.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SHIMKUS 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 THE REVEREND JONATHAN FALWELL

The SPEAKER pro tempore. Without objection, the gentleman from Virginia is recognized for 1 minute.

There was no objection.

Mr. GOODLATTE. Mr. Speaker, it is a real honor today to welcome our guest chaplain, the Reverend Jonathan Falwell, the senior pastor of Thomas Road Baptist Church in Lynchburg, Virginia, one of the largest churches in America, which has a tremendous outreach to the community in Lynchburg and across Virginia, across our Nation and, indeed, across the world helping people in need. He also serves as the executive vice president of spiritual affairs at Liberty University, the world's largest evangelical Christian university, with over 40,000 students, both on campus and online.

I very much welcome not only Reverend Falwell, but his entire family who is with us in the gallery today, and we are delighted that they could be with us to share in a full day of activities here at the United States Capitol and to meet as many Members of the House and staff members and others who work so hard here on behalf of our country.

I hope Members will take the opportunity to come by and say hello to him at the various places he'll be during the course of the day. I'm honored to call Reverend Falwell a constituent and, most importantly, a dear friend; and I offer the thanks of this entire body to him for delivering today's morning prayer. He is joined by his wife, Shari, as well as their four children, Jonathan Jr., Jessica, Natalie and Nicholas, as well as his mother, Macel. Thank you all for being with us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

TRIBUTE TO MRS. VIRGINIA KUCINICH

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

Mr. KUCINICH. Let me tell you a story about a bright, high-spirited woman who, like many American women of the Greatest Generation, sacrificed for her family and her Nation.

Instead of going to college, she helped the war effort, working in manufacturing during the day and singing for the USO at night. She met a young marine combat veteran, fell in love, married, nursed her war-injured husband back to health, and began a family which quickly grew to seven rollicking children. She and her husband never owned a home. As renters, the family was forced to move from place to place. In the first 20 years of their marriage, the family lived in 21 different places, including a couple of cars. Despite economic hardship and

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her own illnesses, she taught her children to read in preschool years, raised her children to appreciate life, to love God, to count spiritual blessings, to be strong of heart, always to be grateful, to be kind, honest, respect others and never to quit.

Her name was Virginia, and she was my mother. And today would have been her 85th birthday. Happy birthday, Mom.

ALL PAIN AND NO GAIN

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

Mr. SHIMKUS. Mr. Speaker, as we spin in circles here on health care, let's not forget the failed policy of a national energy tax, or cap-and-trade. These coal miners lost their jobs the last time we passed environmental laws, and with their jobs went their health care benefits. I've always said that cap-and-tax is a direct attack on coal by the environmental left.

And if you don't believe me, yesterday's article says Sierra Club opposes transmission lines to link AEP to Allegheny coal fire power plants on the grounds that it would increase coal use. I also say that cap-and-tax is all pain and no gain, especially if China and India do not comply.

Well, we also have a quote by Rajendra Pachauri, who is the Chair of the U.N. Intergovernmental Panel on Climate Change. And he says: ''India will continue to use coal to meet its energy demands.'' And finally, the science of climate change is not exact and not conclusive. Channel 2, CBS Chicago, says that Chicago sees coldest July in 67 years.

IF IT IS GOOD ENOUGH FOR THE AMERICAN PEOPLE, IT IS GOOD ENOUGH FOR CONGRESS

(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, as Democrats push for a government takeover of health care, I hope they will abide by a very simple standard: if a government-run health plan is good enough for the American people, it's good enough for Congress.

During consideration of the over 1,000-page bill in the Education and Labor Committee, I successfully got an amendment passed that would provide that Congress Members who vote in favor of government-run health care would enroll in the plan themselves. The American people should monitor that this provision is kept in the bill.

I want to commend Congressman JOHN FLEMING, a physician, for originally promoting this concept of fairness. I urge my Democrat colleagues to adopt this standard if they insist on dragging a Big Government bureaucracy between patients and doctors. The American people deserve better to protect jobs.

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

THE RECOVERY ACT IS WORKING

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

Mr. SCHRADER. Mr. Speaker, I came to the floor yesterday to talk about 145 teaching jobs that were saved, thanks to the Recovery Act in one community school district alone. Today I'd like to talk about jobs that have been created and saved for Oregon's first responders.

Mr. Speaker, just yesterday, the first wave of COPS grants was announced. That means 21 more police officers patrolling our streets in Oregon thanks to the Recovery Act. A number of those are in Oregon City, a city I know very closely, which desperately needs the assistance for an understaffed police department. These are 21 first responders that would not have been on the job, again, without this recovery package.

The Oregon Department of Corrections also received $103 million to save guard positions and prevent prisoners from being released from Oregon's prisons. Oregon is in very tough shape with this economic downturn.

These are just a few examples, with more announcements on the way. Over the next couple of weeks, Byrne grants targeted to help local police communities investigate and prosecute criminals and provide revenue for juvenile justice programs that help steer our troubled youth away from a life of crime. The Recovery Act is working.

ANOTHER MISSED OPPORTUNITY

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

Mr. WOLF. Mr. Speaker, in Monday's Wall Street Journal, Secretary of State Hillary Clinton and Secretary of the Treasury Geithner co-authored an opinion piece outlining the issues to be discussed in the U.S.-China Strategic and Economic Dialogue. No mention of human rights. No mention of the Chinese Government's suppression of journalists. No mention of the dozens of human rights lawyers across China who have been stripped of their licenses, no mention of the 35 Catholic bishops that languish in Chinese prisons and slave labor camps, no mention of the Chinese Government's crackdown on the ethnic Uyghurs, no mention of how China continues to repatriate North Korean refugees, no mention of human rights.

Human rights simply cannot be separated from economic policy. The Obama administration has missed yet another opportunity to make human rights a fundamental component of U.S. foreign policy.

GAO MORTGAGE REPORT

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

Mrs. MALONEY. Mr. Speaker, the Joint Economic Committee just concluded a hearing highlighting a GAO report that analyzed the performance of subprime loans in all 435 congressional districts, as this map illustrates. This report that I requested provides a sobering snapshot of the ongoing foreclosure crisis inherited by the Obama administration. The dark red is where there are high instances of foreclosure.

So we see that California, Florida, and Nevada are the places where the most nonprime loans were originated with noxious prepayment penalties and exploding interest rates. The end results are obvious. The hearing reviewed past Federal regulatory failures and identified the actions that the administration and Congress have taken to reduce foreclosure rates and prevent a future recurrence. The report is online by congressional district with the hearing Web site at the JEC Web site, www.jec.senate.gov.

SOCIALIZING THE COUNTRY IS NOT THE ANSWER

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

Mr. FLEMING. Mr. Speaker, recently the President said in a speech: ''Folks are skeptical and that is entirely legitimate because they haven't seen a lot of laws coming out of Washington that help.'' That is an understatement. Americans have found themselves at the mercy of the mass social agenda of this administration and the liberal leadership in Congress.

First it was the $750 billion stimulus bill that neither created nor saved any jobs; then came cap-and-tax. Both of these bills were passed only minutes after being fully released, but not read, and were the first two installments of this liberal/socialist agenda.

But this health care bill, H.R. 3200, is the mother of all bad bills and seeks to recast America as a new socialist state. If it passes in its current form, we can expect tax increases for all American families, waiting lines with DMV-style medicine, an explosion of taxpayer-funded abortions and a lack of good health care for the elderly.

Americans are urging Democrats to finally reach across the aisle and work with Republicans for a change.

HEALTH CARE REFORM

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

Mr. BLUMENAUER. Mr. Speaker, if you wonder why health care reform is so hard, look at the rhetoric surrounding efforts to help senior citizens and their families cope with end-of-life decisions. It has morphed into something that has been, I think, rather

sad. I was both angry and put off, I must say, in the references to section 1233. Today in the Washington Times they cite a misrepresentation by Republican leadership that talk about this leading the path down to government-encouraged euthanasia.

Yesterday, we heard one of our Republican colleagues talk about actually having the government—I want to be careful about this—that ''seniors being in a position of being put to death by their government.''

Mr. Speaker, looking at this legislation that is a result of a bipartisan effort to allow senior citizens and their families to know the choices that face them, nothing mandatory, no government bureaucrat, simply giving them the choice to have information. Shame on people who use senior citizens as a prop to try to scare people.

□ 1015

PAYING FOR HEALTH CARE REFORM

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

Mrs. CHRISTENSEN. Mr. Speaker, today, I want to talk about something everyone, Republicans and Democrats, cares about: paying for health care reform.

There is so much evidence that prevention at the individual and community levels will produce hundreds of billions of dollars of savings. Trust for America's Health has shown, based on existing community prevention programs, that we could get a return of 5.6 to 6.2 times on every dollar spent. Private industry has also shown a similar savings in less than 10 years. Another report will show that we would save $652 billion over 10 years by getting healthier individuals to Medicare and by reducing advancing disease when they enter the system. This kind of prevention is in the bill.

The CBO will score prevention if we give them reliable data, and that would make the true cost of this bill much less than $1 trillion. So let's cover the Territories and not cut important programs out of the bill. Let's score prevention, and let's pass a bill that honors health care as a right and that reestablishes the United States as the leader we ought to be.

SCIENCE CZAR

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

Mr. PITTS. Mr. Speaker, the President has appointed over 30 new czars in the Federal bureaucracy, and I'm concerned about the President's new science czar. John Holdren detailed and advocated draconian population control methods in a 1977 textbook that he coauthored.

In it, they state, ''Some coercive proposals deserve discussion, mainly because some countries may ultimately have to resort to them unless current trends in birth rates are rapidly reversed.''

They go on to speculate that a program in India to vasectomize fathers of large families could have been successful with ''massive assistance from the developed world.'' The same chapter later promotes readily available abortion services as one of the milder methods governments can promote to reduce family size. Some of their ideas are quite bizarre. This is the same man who has the ear of the President on some of the most important decisions of the day.

Clearly, we need to watch the office of the science czar carefully with an eye toward whether Dr. Holdren will promote policies that maintain our cherished liberties or policies that call for the heavy hand of government in our private lives.

HEALTH CARE REFORM

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

Mr. OLVER. Mr. Speaker, this is our year for health insurance reform. The private health insurance industry has reaped enormous profits over the last 9 years while Americans' wages have barely increased at all. On average, 30 percent of the $1.8 trillion in premiums that Americans pay to health insurance companies pays for overhead costs—salaries, administrative, lobbying, and profits—rather than for health care. Americans cannot afford that waste of scarce dollars. Our health reform legislation will limit such overhead spending to no more than 15 percent.

We have to focus our priorities on the quality of health care itself. For example, the diabetes epidemic demonstrates dramatically how critical preventative medicine is to America's children. One-third of all children born this decade are expected to develop diabetes in their lifetimes. The prevention of diabetes will make America healthier, and we will avoid the enormous future costs of diabetes treatment.

Now is the time to act on health care reform.

THE SUCCESS OF THE AMERICAN RECOVERY ACT

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

Mr. YARMUTH. Mr. Speaker, our Republican friends, perhaps in a bit of wishful thinking, are trying to convince the American public that the American Recovery Act has been a failure.

Well, they're going to have a hard time convincing my constituents in Louisville, Kentucky, where it was just reported that home sales have increased by 27 percent this month over last year, almost all due to the $8,000 first-time home buyer's credit that we put in that act. They're going to have a hard time convincing the people at GE's Appliance Park, where they're about to bring 400 jobs back from China to Kentucky to build a revolutionary, energy-saving water heater. They're going to have a hard time convincing the 95 percent of my constituents who have had their paychecks increased because of the almost $300 billion in tax cuts that were part of that act.

No, Mr. Speaker, the American Recovery Act is far from a failure. It is succeeding to rebuild the economy of this country.

HEALTH CARE IS A HUMAN ISSUE

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

Mr. BACA. Mr. Speaker, families in America deserve a health care system that works. A parent should not have to worry about paying for either high health care insurance premiums or putting food on the table or paying their mortgages.

In fact, each year in my district, 5,200 seniors who hit the doughnut hole are forced to pay their full drug costs despite having part D drug coverage. The Tri-Committee bill provides these seniors with immediate relief by cutting brand-name drug costs in the doughnut hole by 50 percent.

In 2008, my district had 1,490 health care-related bankruptcies, caused primarily by the high health care costs not covered by insurance. The Tri-Committee bill caps out-of-pocket costs at $10,000 per year, ensuring that no individual will have to face financial ruin because of high health care costs.

For these reasons, I stand here to advocate for American families who are struggling in every corner. I urge my colleagues to stand with me and to support health care reform. This is not a political issue. This is a human issue.

JOB CREATION

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

Mr. SIRES. Mr. Speaker, I rise today to highlight where some of the stimulus jobs are located. While some States have refused the stimulus money that is available, I want to acknowledge some of the areas that are using the stimulus funds to create jobs today.

In my State of New Jersey, the funding has gone towards good-paying jobs for New Jerseyan workers. Six thousand summer jobs were created for New Jersey youth using funds allotted under the Workforce Investment Act Youth Recovery Act. Over 60 jobs have been created in transportation, and at least 20 people are currently working on housing improvements for the Woodbridge Public Housing Authority.

At least 62 people are working for the Newark Housing Authority, including union workers, to renovate vacant apartments and to prepare for future construction. These are just a few of the projects, but it's not just New Jersey that is seeing jobs increase as a result of the stimulus funding.

Yesterday, The New York Times highlighted Perry County, Tennessee, where hundreds of laid-off workers are now, once again, back to work. Since deciding to use the stimulus money to employ 300 jobs, ranging from the State Transportation Department to small businesses, the unemployment has dropped from 27 to 22 percent in that county. That's where the jobs went.

AMERICA'S AFFORDABLE HEALTH CHOICES ACT ADDRESSES PRIMARY CARE

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

Ms. SCHWARTZ. Mr. Speaker, finding a uniquely American solution to ensure that all Americans have access to affordable, meaningful health coverage must also ensure adequate access to health care providers and services.

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

Since 1998, the percentage of residents choosing primary care has dropped from 50 percent to 20 percent. By 2025, America will have a shortage of 46,000 primary care providers.

I am very proud that the provisions in the health care reform legislation that is moving through Congress will address this impending crisis. It provides scholarships and loan repayments to primary care providers. It increases payments for primary care services. It eliminates copayments for Medicare beneficiaries who seek preventative care, and it creates incentives for doctors and nurses to coordinate care for patients with multiple chronic conditions.

These are significant reforms that will improve access to primary care, that will improve health outcomes, and that will improve health care costs. We should support better health care for Americans by supporting health care reform.

SMALL BUSINESSES CANNOT AFFORD THE STATUS QUO IN HEALTH CARE

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

Mr. HEINRICH. Mr. Speaker, I just held a roundtable in my district to hear from small business owners on how they feel about health care reform. Each of the small business owners agreed that the system is broken and that keeping the status quo will only hurt small businesses in New Mexico.

With skyrocketing health care costs, many of these small businesses have been forced to consider layoffs and have been forced to consider lowering wages. In some cases, discontinuing insurance coverage for their employees has been the only way to avoid going out of business.

There is no doubt that our broken health care system is bad for America's small businesses. We can, and we must do better. We need a long-term, viable solution that creates stability, that prevents insurance companies from cherry-picking customers and businesses. We need a solution that supports a healthy workforce and that improves employee productivity. Now is the time to reform our health care system. Our small businesses cannot afford the status quo.

THE OBAMA-PELOSI GOVERNMENT HIJACKING OF HEALTH CARE

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

Mr. TIAHRT. Mr. Speaker, the more we learn about the Obama-Pelosi government hijacking of health care, the more we recognize how terrible the plan is. Let me point out just a few things that we've recently learned about the Democrat bill.

First and foremost, the Democrat bill creates a government-run health care plan that will ration care, that will remove choice and that will decrease the quality of health care for Americans. The bill imposes not only an employer mandate on health benefits, but it also creates a fleet of government auditors who will sail in to inspect every employer in the Nation to assess the health benefits they offer to a standard even the Democrats admit they haven't ascertained yet.

Individuals and employers will be taxed to pay for the public plan, and an independent commissioner, not accountable to anyone, will set the reimbursement rate for health care providers and will have power over what will and will not be covered.

Everyone over age 65 will be required to have an end-of-life consultation with their physicians and to assess that plan every 5 years. Democrats don't know why any Member of Congress would read a bill that's over 1,000 pages. Now we are learning why—apparently because they don't want us to know or the American people to know what the health care plan holds.

PASS HEALTH CARE REFORM

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

Mr. MURPHY of Connecticut. Mr. Speaker, I hope that our friends on the Republican side of the aisle who don't want us to fix our health care system will listen to their constituents when they go home in August because they'll hear stories like I've heard in Connecticut.

A woman in Thomaston, Connecticut, contacted me about her own horrific experience. She had a pulmonary embolism and was told by her doctor that she was in danger of losing her leg, but her insurance company decided not to pay for the surgery on the grounds that it was cosmetic. Her appeal was denied, and she lost the leg.

One of the biggest lies I hear about our health care system is that, if you have insurance, you're all set. Well, this woman had coverage, and it failed her. The cost of our broken system can't be measured just in dollars and cents. It's so much more. We have a system that just doesn't value keeping people healthy, and we can change this by passing health care reform.

MESSAGE FROM THE SENATE

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

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

GOVERNMENT TAKEOVER WILL RUIN HEALTH CARE

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY G. MILLER of California. Mr. Speaker, think about it—government-run health care.

Now, the argument being made by my friends on the other side is that the only reason it hasn't worked everywhere it has been tried is that the right people aren't in charge. Think about that. It has never worked anywhere. It doesn't work.

An individual I represent, who lives in Mission Viejo, was a doctor for 60 years in the United States and in Canada. He holds two of the highest degrees in medicine. He said it not only hurts the poor; it hurts the wealthy, it hurts everybody. If you want to ruin health care, have the government take it over.

Now, the argument is we'll just have the government compete with the private sector. Think about that. Where does the government get the money? From you—the taxpayers—and the private sector has to charge people to provide health care. There is no way in the world the private sector can compete with government when the government is funded by unlimited amounts of money that they extort from you, the working people.

If you want health care in this country to be of quality and to be good,

there are things we can do, but don't destroy it by turning it over to the government. The government does very few things well. In fact, my colleagues complain about the way the government even handles wars. That's the one thing we can do in a quality fashion, but government-run health care is not something we want to turn over to the government.

□ 1030

WE MUST NOT LET OUR CONSTITUENTS DOWN

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

Mr. LANGEVIN. Mr. Speaker, as the Congress is working to resolve our Nation's health care crisis, I would like to take a moment to read an excerpt from a constituent's letter which I hope will serve as a reminder of why we are fighting for health care reform.

''Dear Congressman LANGEVIN,

''Ten years ago I was diagnosed with a brain tumor. As a single mother raising two children, I was nervous about supporting, feeding, clothing, and providing a roof over my children's heads. After my brain tumor was removed, I spent 30 days in the hospital. I was then terminated from my job. When I lost my job, I lost my health benefits. So I faced a choice that I don't want any other American to have to make—pay my mortgage or my COBRA premiums for continuing health coverage.''

Signed, Nancy from Warwick, RI.

Mr. Speaker, choosing between your home and your life, it's not a decision that any American should have to face. In fact, catastrophic illness or accident is one of the leading causes of bankruptcy in America, and that shouldn't happen. We have an opportunity and an obligation to reform our health care system. We must not let our constituents down.

OUR BROKEN HEALTH CARE SYSTEM

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

Mr. POLIS. Mr. Speaker, health care reform is the single most important step we can take to help families and rebuild our economy. Our health care system is broken, and only a comprehensive fix will end the suffering of so many from sickness and financial insecurity.

Today, I want to share the story of Alicia Varela, a 56-year-old resident in my district in Colorado. Like many Americans, Alicia followed her dreams, bravely left her home, and moved to the United States—legally—where, like many other Americans, she's paid into the system, and like many Americans, her employer does not provide health insurance.

With common but pricey preexisting arthritis and blood clot conditions, Alicia could not afford the high prices quoted by private insurance companies. But when tragedy struck and she became seriously ill, like many Americans, Alicia went to the emergency room as a last resort. By the time she was rushed into surgery, her situation was so severe that doctors removed a tumor that weighed 10 pounds. She isn't 100 percent better and she doesn't know what to do.

Her salary, while too high to qualify for Medicaid, is nowhere near enough to cover the high costs for a hospital stay. She can't afford costly medications and copes each day with pain and financial worries.

I encourage my colleagues to join me to help Alicia and many Americans like her.

RECISION

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

Ms. SPEIER. I would like to talk about a dirty little secret about the insurance industry. It's called recision, and the health care reform bill will ban it.

Consumers who have paid their premiums on time for years are suddenly cut loose by their insurer because they have the audacity of getting ill. These are people with severe medical conditions who depend on their coverage. It could be devastating when the lifeline that they've paid for is suddenly yanked away.

A woman recently addressed the Congress about having an insurance policy canceled days before her mastectomy surgery. The reason, she was told, is because she didn't disclose on her application that she had suffered from acne.

Recision is an inhumane and abusive practice. The good news is recision is outlawed in the House health care reform bill. Never again should anyone have to worry that their insurance that they've paid for will be canceled if they get sick.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

IMPROVED OVERSIGHT BY FINANCIAL INSPECTORS GENERAL ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3330) to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3330

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 ''Improved Oversight by Financial Inspectors General Act of 2009''.

SEC. 2. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE DEPOSIT INSURANCE FUND FOR PURPOSES OF INSPECTORS GENERAL REVIEWS.

(a) IN GENERAL.—Section 38(k) of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

''(B) MATERIAL LOSS DEFINED.—The term 'material loss' means any estimated loss in excess of $200,000,000, occurring after March 31, 2009.'';

(2) in that portion of paragraph (4)(A) that precedes clause (i), by striking ''the report'' and inserting ''any reports under this subsection on losses'';

(3) by striking paragraph (6);

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

''(5) LOSSES THAT ARE NOT MATERIAL.—

''(A) SEMIANNUAL REPORT.—For the 6-month period ending on September 30, 2009, and each 6-month period thereafter, the Inspector General of each Federal banking agency shall—

''(i) identify losses estimated to be incurred by the Deposit Insurance Fund during that 6-month period with respect to insured depository institutions supervised by such Federal banking agency;

''(ii) for each loss to the Deposit Insurance Fund (as a loss to such Fund is defined in paragraph (2)(A)) that is not a material loss, determine the grounds identified by the Federal banking agency or State bank supervisor under section 11(c)(5) for appointing the Corporation as receiver and whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

''(iii) prepare a written report to the appropriate Federal banking agency and for the Congress on the results of the Inspector General's determinations, including—

''(I) the identity of any loss that warrants an in-depth review and the reasons why such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

''(II) for each loss identified in subclause (I) that warrants an in-depth review, a date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

''(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of each Federal banking agency shall—

''(i) comply with the semiannual report requirements of paragraph (A) expeditiously, and in any event within 90 days after the end of the 6-month period covered by the report; and

''(ii) provide a copy of the report to any Member of Congress upon request.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for subsection (k) of section 38 of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) by striking ''REVIEW'' and inserting ''REVIEWS''; and

(2) by striking ''MATERIAL LOSS'' and inserting ''LOSSES''.

SEC. 3. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE NATIONAL CREDIT UNION SHARE INSURANCE FUND FOR PURPOSES OF INSPECTORS GENERAL REVIEWS.

(a) IN GENERAL.—Subsection (j) of section 216 of the Federal Credit Union Act (12 U.S.C. 1790d(j)) is amended to read as follows:

''(j) REVIEWS REQUIRED WHEN SHARE INSURANCE FUND EXPERIENCES LOSSES.—

''(1) IN GENERAL.—If the Fund incurs a material loss with respect to an insured credit union, the inspector general of the Board shall—

''(A) make a written report to the Board reviewing the Administration's supervision of the credit union (including the Administration's implementation of this section), which shall—

''(i) ascertain why the credit union's problems resulted in a material loss to the Fund; and

''(ii) make recommendations for preventing any such loss in the future; and

''(B) provide a copy of the report to—

''(i) the Comptroller General of the United States; (ii) the Corporation (if the agency is not the Corporation);

''(ii) in the case of a State credit union, the appropriate State supervisor; and

''(iii) upon request by any Member of Congress, to that Member.

''(2) MATERIAL LOSS DEFINED.—For purposes of determining whether the Fund has incurred a material loss with respect to an insured credit union, a loss is material if it exceeds the sum of—

''(A) $25,000,000; and

''(B) an amount equal to 10 percent of the total assets of the credit union at the time at which the Board initiated assistance under section 1788 of this title or was appointed liquidating agent.

''(3) PUBLIC DISCLOSURE REQUIRED.—

''(A) IN GENERAL.—The Board shall disclose a report under this subsection upon request under section 552 of title 5 without excising—

''(i) any portion under section 552(b)(5) of that title; or

''(ii) any information about the insured credit union (other than trade secrets) or paragraph (8) of section 552(b) of that title.

''(B) EXCEPTION.—Subparagraph (A) shall not be construed as requiring the agency to disclose the name of any customer of the insured credit union (other than an institution-affiliated party), or information from which such a person's identity could reasonably be ascertained.

''(4) LOSSES THAT ARE NOT MATERIAL.—

''(A) SEMIANNUAL REPORT.—For the 6-month period ending on September 30, 2009, and each 6-month period thereafter, the Inspector General of the Board shall—

''(i) identify losses estimated to be incurred by the Fund during that 6-month period with respect to insured credit unions;

''(ii) for each loss to the Fund that is not a material loss, determine the grounds identified by the Board or the State official having jurisdiction over a State credit union for appointing the Board the liquidating agent for any Federal or State credit union and whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

''(iii) prepare a written report to the Board and for the Congress on the results of the Inspector General's determinations, including—

''(I) the identity of any loss that warrants an in-depth review and the reasons why such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

''(II) for each loss identified in subclause (I) that warrants an in-depth review, a date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

''(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of the Board shall—

''(i) comply with the semiannual report requirements of paragraph (A) expeditiously, and in any event within 90 days after the end of the 6-month period covered by the report; and

''(ii) provide a copy of the report to any Member of Congress upon request.

''(5) GAO REVIEW.—The Comptroller General of the United States shall, under such conditions as the Comptroller General determines to be appropriate, review reports made under paragraph (1), including the extent to which the Inspector General of the Board complied with section 8L of the Inspector General Act of 1978 with respect to each such report, and recommend improvements in the supervision of insured credit unions (including the implementation of this section).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield 5 minutes to the chief sponsor to this bipartisan legislation, a strong proponent in this Congress for tougher oversight, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Mr. Speaker, I want to thank the subcommittee chairman for all of his support in this legislation, and also my colleague on the other side of the aisle, Mr. LEE from New York, for his tremendous support.

This is simply a good government bill, Mr. Speaker. H.R. 3330 is about protecting the financial institutions but providing efficiency, efficiency when it comes to the Inspectors General.

What we're dealing with today is material loss reviews, and right now we have a problem in the United States in that our Inspectors General, who are charged with conducting material loss reviews, can't keep up with the number of financial institutions who are experiencing these losses.

So we have been requested by the FDIC to look at the threshold. And what this bill does is it increases the threshold in the case of our financial institutions from $25 million in losses to $200 million in losses. And in the case of our credit unions, from $10 million in losses to $25 million in losses.

And if I might, Mr. Speaker, I would like to read briefly from a letter dated July 17, 2009, from Jon Rymer, the Inspector General of the FDIC. And in this letter, Mr. Rymer says, As of today, my office has conducted and completed nine material loss reviews under section 38(k) of the Federal Deposit Insurance Act. We now have an additional 31 reviews in the planning or production phase.

Based on publicly available projections alone, we believe the numbers of reviews that will be required under the law as it presently exists will continue to grow significantly in the foreseeable future.

We require that the Inspectors General complete these reviews within 6 months. And right now, given the threshold, they simply don't have the ability to do that. So this is a good government measure, a good government measure that without increasing spending, without increasing taxes, we make government more efficient. And it's simply increasing the threshold to allow the Inspectors General to do their jobs while at the same time allowing them to look at the smaller financial institutions if such reviews are warranted.

Mr. LEE of New York. Mr. Speaker, at this time I yield myself such time as I may consume.

I want to applaud my friend from Ohio (Mr. DRIEHAUS) for showing leadership on this very bipartisan bill that will have a very positive effect in helping to turn around very important agencies that provide oversight.

I also want to thank the chairman of our Oversight and Investigations Subcommittee, Mr. MOORE, and our ranking member, Mrs. BIGGERT, for holding that hearing and helping this legislation come to the floor.

The IG for Treasury said, ''We have either shut down or indefinitely deferred nearly all critical audits in other Treasury high-risk programs.'' And as Mr. DRIEHAUS pointed out, this is a significant problem.

As a matter of comparison, Treasury is currently conducting 16 MLRs. Before 2007, the office had not conducted a review of this nature in almost 5 years. Meanwhile, the IG for the Federal Reserve said that these reviews make up almost 40 percent of her workload. The FDIC IG informed us that the 36 employees in his audit office are currently handling 20 reviews.

At the end of the day, when you have these auditors focus solely on bank failures, that's time taken away from other aspects of this economic crisis, not to mention critical oversight areas like terrorist financing.

The measure we are considering today, the Improved Oversight by Financial Inspectors General Act, raises the threshold for material loss reviews from $25 million to $200 million for

banks and from $10 million to $25 million for credit unions. This will help give the Inspectors General the leeway they need to hone in on the cases in need of the most attention, because it's through that work that we will find what actions need to be addressed to restore taxpayer and investor confidence in our financial system.

I also want to note that this legislation is crafted responsibly and that it takes steps forward to ensure fraud does not go undetected. So, if the IGs see a need to conduct a review below the threshold, there is no problem. And when fraud is suspected, they will be able to move forward.

Mr. Speaker, it's an easy fix we can implement right now to lend our financial watchdogs a hand and provide them with the tools and resources they need to get the job done. I urge my colleagues to support the adoption of this important bipartisan measure.

I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself 4 minutes.

As a former district attorney for 12 years and chairman of the House Financial Services Oversight and Investigation Subcommittee, one of my priorities is to make sure that our Inspectors General have all of the tools and the resources they need to continue and improve their important oversight work.

In January, the IGs for the Treasury, Fed, and FDIC wrote to request that Congress raise the material loss review, or MLR, threshold so they could focus on other high-priority areas of potential waste, fraud, and abuse.

The National Credit Union Administration IG later made a similar request, Mr. Chairman. In addition to a higher threshold, the IGs suggested adding a requirement that for failed banks falling below the new threshold, an initial assessment still be taken to ''ensure that unusual or potentially significant situations are not missed.''

During an O&I hearing we held on this issue in May, I was disturbed to learn that without a modernized MLR system, the current system would limit the IGs' ''ability to effectively oversee many of the new and significant programs and initiatives that the Federal banking agencies are undertaking to address current economic conditions.'' We must address this problem.

I commend Congressman DRIEHAUS from Ohio, a member of our Oversight Subcommittee, for drafting a bipartisan bill that will do just that. I also thank our colleagues on the other side of the aisle, Congressman LEE of New York and our O&I Subcommittee ranking member, Congresswoman BIGGERT of Illinois, for their hard work in drafting this bill. The improved oversight by the Financial Inspectors General Act will put in place a $200 million MLR threshold for bank IGs and $25 million for the credit union IGs with new, stronger protections that will ensure proper oversight is conducted of any failed institution that costs even a dollar.

In a letter dated July 17, Jon Rymer, the FDIC's Inspector General, commented on the bill, writing: ''I believe this legislation is a reasonable and prudent compromise that will our workload but preserve meaningful, independent oversight by my office, as well as other Inspectors General tasked with similar reviews.''

And I couldn't agree more, and I urge my colleagues to support H.R. 3330 to improve oversight of our financial agencies.

I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield 3 minutes to the gentlelady from the fine State of Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the improved Oversight by Financial Inspectors General Act of 2009. I would like to thank my colleagues, Mr. DRIEHAUS and Mr. LEE, for introducing this bill and thank the chairman of our Oversight and Investigations Subcommittee, Mr. MOORE, for his work on this issue.

H.R. 3330 makes technical corrections to the monetary thresholds that trigger Inspectors General to launch an investigation in the failure of a financial institution. Financial Inspectors General must dedicate resources and personnel to investigate failures like that of AIG because their finding can present critical evidence about what caused the financial crises. Congress, Federal regulators, and the administration can better target reform to our broken financial regulatory system.

In May, the Financial Services Committee on Oversight and Investigations held a hearing on the role of financial services Inspectors General. We heard from Inspectors General about their difficult task to tackle the waste, fraud, and abuse that is at the heart of our financial crisis.

Fraud and abuse were two of many significant factors that contributed to the financial crisis, especially in Chicago. In March, the U.S. Attorney General in Chicago, Patrick Fitzgerald brought mortgage fraud indictments against two dozen players. They are brokers, accountants, loan officers, processors, and attorneys.

Mortgage fraud comes in all shapes and sizes. Scam artists inflate appraisals, flip properties, and lie about information including income and identity on loan applications. Some use the identity of deceased people to obtain mortgages, and other desperate thieves bilked out of their homes and home equity the most vulnerable homeowners and seniors in dire financial straits.

□ 1045

To get the economy back on track and credit flowing again, we have to address what was at the root of the mortgage meltdown in the first place, and that is mortgage fraud.

Inspectors General hold key positions to investigate mortgage fraud and really get to the bottom of the turmoil that plagues today's financial markets; what went wrong, who broke the law, were the laws enforced, were laws and regulations adequate. To restore confidence in our markets and address any failings in our system of regulation, including enforcement, we must determine the answer to these questions. The sooner we get to the root of these matters, the sooner we can get the financial institutions off the Federal dole and our financial markets and economy back on track. H.R. 3330 will help us get there.

I applaud all of the Members who have worked so hard on this issue and urge my colleagues to support the bill.

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

Mr. MOORE of Kansas. Mr. Speaker, I include for the RECORD letters from the Inspectors General on these issues.

JANUARY 9, 2009.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to request that the Congress consider increasing the threshold for conducting material loss reviews (MLR) on failed financial institutions. The current $25 million threshold has been in effect for about 25 years and, in light of the current economic environment, is no longer serving as a reasonable measure of materiality or a meaningful trigger point for an Office of Inspector General (OIG) review of the failed financial institution. If this current threshold remains in effect, we anticipate that the projected volume of MLR work—and the time and resources that this work demands—will limit the OIGs' ability to effectively oversee many of the new and significant programs and initiatives that the Federal banking agencies are undertaking to address current economic conditions.

Section 38(k) of the Federal Deposit Insurance Act mandates OIG reviews of certain material losses to the Deposit Insurance Fund (the Fund) when federally supervised banks fail. In general terms, the purpose of the MLR is to determine the causes for the institution's failure and resulting loss to the Fund, and assess the banking agency's supervision of the failed institution. A loss is considered material if the loss is estimated to exceed $25 million or 2 percent of the institution's total assets at the time the Federal Deposit Insurance Corporation (FDIC) was appointed receiver. The Act further requires that the OIG report be completed within 6 months after it becomes apparent that a material loss has been incurred.

As of today, the OIGs from the FDIC, Department of the Treasury, and the Board of Governors of the Federal Reserve System are performing a total of 18 MLRs, with projected losses ranging from $36 million to $8.9 billion. At the current threshold and as economic conditions continue to worsen, we anticipate the number of reviews to increase. As we are actively conducting these reviews, we are discovering that MLRs at the lower end of the threshold appear to provide little, if any, new perspectives or insights regarding the cause of the failure beyond what we initially discerned at the closure. We are, nevertheless, bound by professional standards to invest time and resources to conduct a thorough review of each individual failure. Expending our scarce resources on these reviews limits our ability to oversee the new initiatives that the banking agencies are undertaking to deal with the current economic crisis affecting open financial institutions.

We believe that increasing the MLR threshold would better serve the Congress by providing the OIGs with increased flexibility to refocus scarce resources to the wide-ranging programs and initiatives that the agencies are now managing, while continuing to ensure that significant failures receive an appropriate, in-depth review. As such, we recommend modifying the threshold for a material loss to an amount between $300 and $500 million. The $500 million figure is the materiality threshold used by the Government Accountability Office (GAO) when conducting the Fund's financial statement audit, and has proven appropriate for that purpose over the years. Looking at the current inventory of 18 MLRs, only six would have been required with a $300–$500 million threshold. To ensure that unusual or potentially significant situations are not missed, we also recommend language that would allow the OIG to initiate an MLR of an institution with a projected loss below the increased threshold, should circumstances (i.e., indications of fraud) warrant.

Last year, we participated in a discussion initiated by one of your professional staff members on the merits of increasing this threshold, and were encouraged to raise this issue if circumstances warranted. We believe such circumstances have arrived. We are sending a similar letter to the Committee's Ranking Member and the Chairman and Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs to share our concerns.

Thank you for considering our request to amend Section 38(k) to increase the MLR threshold. We would welcome the opportunity to discuss our concerns and possible solutions with you in more detail.

Sincerely,

JON T. RYMER,
Inspector General, Federal Deposit Insurance Corporation.

ERIC M. THORSON,
Inspector General, Department of the Treasury.

ELIZABETH A. COLEMAN,
Inspector General, Board of Governors of the Federal Reserve System.

FEDERAL DEPOSIT INSURANCE CORPORATION,
Arlington, VA, July 17, 2009.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to thank you for your support of the draft Deposit Insurance Fund Loss Review Act legislation, which was provided to us by Subcommittee staff a few days ago. I support the draft legislation as written and want to take this opportunity to emphasize my view that prompt action is needed.

As I testified before the Subcommittee on Oversight and Investigations several months ago, our resources permit us to conduct approximately 21 to 22 reviews at any one time, consistent with the statutory requirement that the reviews be completed within a 6-month period from the time it becomes apparent that the Deposit Insurance Fund has sustained a ''material loss.'' I reported to the Subcommittee that we have stretched and leveraged our resources, but we nevertheless recently issued one report, and anticipate issuing two additional reports, outside of that 6-month window. In order to forestall future reporting delays and address the large increase in our workload, I have undertaken a review of our current approaches to conducting our work and am considering alternatives ranging from additional contracting for external audit services to the potential reorganization of the Office of Inspector General.

As of today, my office has conducted and completed nine material loss reviews under Section 38(k) of the Federal Deposit Insurance Act. We now have an additional 31 reviews in the planning or production phase. Based on publicly-available projections alone, we believe the number of reviews that will be required under the law as it presently exists will continue to grow significantly in the foreseeable future.

In raising the threshold for a ''material loss'' to $200,000,000, as of March 31, 2009, the draft legislation would reduce our current requirement from 31 to 7 reports. The legislation would also require us to perform a shortened review of all failures, thus ensuring that (1) the reasons for even smaller losses to the Deposit Insurance Fund are properly understood, (2) important lessons to be learned from failures of financial institutions that do not rise to the new threshold level are nevertheless captured to improve future bank supervision, and (3) this information is duly and regularly reported to the Congress. I believe this legislation is a reasonable and prudent compromise that will reduce our workload but preserve meaningful, independent oversight by my office, as well as other Inspectors General tasked with similar reviews.

Thank you for your interest in this issue. We are sending a similar letter to the Committee's Ranking Member, the Chairman and Ranking Member of the Subcommittee on Oversight and Investigations, and Representative Steven Driehaus of the Subcommittee on Oversight and Investigations. We are also sending a letter to the Chairman and Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs encouraging their support of this draft legislation. I welcome the opportunity to discuss our concerns with you and other interested parties.

Sincerely,

JON T. RYMER,
Inspector General.

Mr. Speaker, I yield myself 2 minutes and invite Congressman DRIEHAUS to join me for purposes of a colloquy.

Congressman DRIEHAUS, to be clear, nothing in your legislation would change current law that requires all Inspectors General, at the Treasury Department, Federal Reserve Board, FDIC or NCUA, to post material loss review reports online within 3 days. That is what I understand. Is this your understanding as well, sir?

Mr. DRIEHAUS. Yes, that is correct. The purpose of H.R. 3330 is to increase and improve oversight conducted by the Inspectors General. Congress and our constituents will continue to learn important information from these material loss review reports, posted online within 3 days, so we can better understand why financial institutions failed. My bill will not change that at all.

Mr. MOORE of Kansas. Thank you for making that clear. Thank you for the colloquy.

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

Mr. LEE of New York. Mr. Speaker, I yield 2 minutes to my good friend from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this issue, as well as the leadership of Mr. DRIEHAUS from Ohio.

I rise today in support of H.R. 3330, the Improved Oversight by Financial Inspectors General Act. In the wake of the financial crisis, it is so important that we make sure that our Federal banking supervisory resources are deployed where they are best going to be the most effective, and the financial crisis and the increased number of bank failures that have followed have exposed some very outdated provisions in existing law that are now placing some onerous reporting requirements on the financial inspectors general.

It is using precious time, and it is really diverting some really crucial resources. So this bill is going to update the standard that was first set 25 years ago that will trigger a material loss review for a failed financial institution.

Now, the financial Inspectors General have assured us that this does not mean there will be insufficient review of failures in the future, but rather there is now going to be a smarter review concerning large bank failures and any small bank failures that occur where there are special circumstances, and that is something that can be learned.

So I would urge my colleagues to support this very bipartisan legislation. It has been a pleasure working with my colleagues on both sides of the aisle on this. We should put our focus and attention now, and that of the Inspectors General, where it can be most effective to protect taxpayers and financial institutions.

Mr. LEE of New York. Mr. Speaker, this is a good, commonsense, bipartisan bill. I urge its passage, and I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. DRIEHAUS) to close.

Mr. DRIEHAUS. Mr. Speaker, I thank the chairman.

Mr. Speaker, I believe this is a good, commonsense bill. This is about helping our Inspectors General do their job and do it well. We have heard from both sides of the aisle how important the work they are doing is to the health and safety of our financial institutions and to our financial system. I would encourage all of my colleagues to support this good-government piece of legislation. I thank them for their support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 3330.

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

A motion to reconsider was laid on the table.

RURAL HOMEOWNERS PROTECTION ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2034) to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2034

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 ''Rural Homeowners Protection Act of 2009''.

SEC. 2. SINGLE FAMILY HOUSING LOAN GUARANTEE PROGRAM.

Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking ''paragraph (13)'' and inserting ''paragraph (15)'';

(2) in paragraph (8), by striking ''1 percent'' and inserting ''2 percent'';

(3) in paragraph (9), by striking ''REFINANCING'' and inserting ''MODIFICATION OF GUARANTEED LOANS'';

(4) in paragraph (14)—

(A) by striking ''GUARANTEES FOR REFINANCING LOANS'' and inserting ''REFINANCING OF LOANS MADE OR GUARANTEED BY SECRETARY''; and

(B) in subparagraph (E)—

(i) by striking ''(10)'' and inserting ''(12)''; and

(ii) by striking ''(13)'' and inserting ''(9) or of paragraphs (11) through (14)'';

(5) by redesignating paragraphs (10), (11), (12), (13), and (14) as paragraphs (12), (13), (14), (15), and (10), respectively;

(6) by transferring and inserting paragraph (10), as so redesignated by paragraph (5) of this subsection, after paragraph (9); and

(7) by inserting after paragraph (10), as so redesignated and transferred by paragraphs (5) and (6) of this subsection, the following new paragraph:

''(11) REFINANCING OF LOANS MADE BY PRIVATE SECTOR LENDERS.—

''(A) AUTHORITY.—The Secretary may, in accordance with this paragraph, guarantee a loan made to refinance a loan made by a private lender to an individual to acquire or construct a single-family residence.

''(B) ELIGIBILITY.—Except as provided in subparagraph (C), all requirements of this subsection shall apply to loans guaranteed and loan guarantees made under this paragraph.

''(C) GUARANTEE FEE.—Notwithstanding paragraph (8), the Secretary shall charge a guarantee fee with respect to loans guaranteed under this paragraph at levels necessary, but no higher than needed, to allow such class of loans to be guaranteed without resulting in a need for an appropriation for a credit subsidy.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. I yield 3 minutes to the chief sponsor of this important legislation, the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, as the sponsor of this measure, I am pleased to present H.R. 2034 for consideration by the House today.

The current foreclosure crisis affects rural America, as well as cities and suburbs. Many rural areas are subject to additional complicating factors, such as a shortage of housing, counseling resources, and high poverty rates. Nevertheless, homeowners with average incomes under $19,000 per year are 98.3 percent successful when serviced through section 502 single-family housing direct or guaranteed loan programs. The foreclosure rate in both of these programs is below 2 percent, as compared to a 5 to 6 percent subprime foreclosure rate overall.

Under current law, rural families who obtain a mortgage from a private lender for the purpose of acquiring or constructing a single-family residence are not permitted to refinance such loans through the section 502 Rural Housing Guaranteed Loan program. To address this issue, the bill would provide the Secretary of Agriculture with the authority to permit the refinancing of such loans through the section 502 Rural Housing Guaranteed Loan program.

Rural families who meet current income and geographic criteria would be eligible to refinance their private loan. As such, this new authority will provide some much-needed relief to our rural housing community and complement efforts by the administration to stabilize communities by helping struggling homeowners stay in their homes.

The Rural Housing Service estimates that this new authority would significantly increase loan volume under the section 502 guaranteed loan program. To address this issue, the bill includes a provision giving the Secretary of Agriculture the authority to charge a higher guarantee fee than the 2 percent fee that is permitted under current law to help ensure that the expected increased loan volume does not require additional congressional appropriations.

The higher fee would apply to private loans and could be no higher than is necessary to ensure that no appropriation is needed. Consequently, the CBO has indicated that the bill is cost-neutral.

I commend Chairman FRANK and Subcommittee Chairwoman WATERS for bringing this legislation to the floor. I urge all of my colleagues to support the bill.

Mrs. CAPITO. Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, I rise in support, strong support, of H.R. 2034, the Rural Homeowners Protection Act of 2009. As my colleague has stated, the current foreclosure crisis affects rural America as well as cities and suburbs; and many rural areas are subject to additional complicating factors, such as high poverty rates.

The section 502 Rural Housing Guaranteed Loan program is an important source of funding in rural areas for moderate-income families wishing to purchase a home. As currently structured, the 502 program guarantees loan origination and allows refinancing on current 502 loans. However, it does not allow refinancing of loans obtained through private lenders.

H.R. 2034 amends the section 502 Single Family Housing Loan Guarantee program to allow refinancing of private rural loans through the section 502 program.

To safeguard the program, the bill authorizes the Secretary of Agriculture to charge a higher fee for refinancing private origination loans to ensure that the class of loans can be guaranteed without the need of additional cost to the government.

Mr. Speaker, this is an important change that will provide much-needed assistance in our rural communities. I urge my colleagues to support H.R. 2034, the Rural Homeowners Protection Act of 2009.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2034.

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

A motion to reconsider was laid on the table.

NEIGHBORHOOD PRESERVATION ACT

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2529) to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2529

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 ''Neighborhood Preservation Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Depository institutions and affiliates of depository institutions currently may control and lease foreclosed property for a limited period of time often subject to safety

and soundness considerations, under various Federal laws and the law of some States.

(2) Authorizing such institutions and affiliates to enter into a long-term lease with the occupant of the property or any other person would reduce the number of residential properties entering into the housing inventory, which in turn would help to stabilize home values and restore confidence in the housing markets.

(3) Allowing depository institutions and affiliates of such institutions to lease foreclosed property will allow the institution or affiliate to dispose of such property into a presumably more stable market at the end of the lease term which would reduce the loss the institution or affiliate may otherwise be required to recognize upon disposition of the property.

(4) Providing a means for foreclosed property to remain occupied during the housing downturn will preserve the property itself as well as the aesthetic and economic values of neighboring homes and even whole neighborhoods.

(5) Allowing depository institutions to lease foreclosed property gives families the opportunity to remain in the home, causing less disruption to families, until they have the means to become a homeowner again.

SEC. 3. BANK LEASING OF FORECLOSED PROPERTIES.

(a) IN GENERAL.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

''(y) LEASING OF FORECLOSED PROPERTY.—

''(1) LEASING AUTHORIZED.—Notwithstanding any provision of Federal or State law restricting the time during which a depository institution, or any affiliate of a depository institution, may hold or lease property, or any provision of Federal or State law prohibiting a depository institution, or any affiliate of a depository institution, from leasing property and subject to this subsection and regulations prescribed under this subsection, any depository institution, and any affiliate of a depository institution, may lease to any individual, including a lease with an option to purchase, for not to exceed 5 years an interest in residential property which—

''(A) was or is security for an extension of credit by such depository institution or affiliate; and

''(B) came under the ownership or control of the depository institution or affiliate through foreclosure, or a deed in lieu of foreclosure, on the extension of credit.

''(2) SAFETY AND SOUNDNESS REGULATIONS.—The Federal banking agencies shall jointly prescribe regulations which—

''(A) establish criteria and minimum requirements for the leasing activity of any depository institution or affiliate of a depository institution, including minimum capital requirements, that the agency determines to be appropriate for the preservation of the safety and soundness of the institution or affiliate;

''(B) establish requirements or exceptions that the agency determines are appropriate under this subsection for any such institution or affiliate for any other purpose; and

''(C) provide for appropriate actions under section 38 with respect to any such lease if necessary to protect the capital or safety and soundness of the institution or affiliate or any other necessary enforcement action.

''(3) LENGTH OF LEASE.—If any provision of any Federal or State law, including the Bank Holding Company Act of 1956, governing the permissible activities of depository institutions or affiliates of depository institutions permits a depository institution or any such affiliate to hold property as described in paragraph (1) for a period longer than 5 years, any lease under paragraph (1) may be extended to the extent permitted by such provision of law.

''(4) SUNSET.—This section shall apply only with respect to leases entered into during the 2-year period beginning on the date of the enactment of the Neighborhood Preservation Act.''.

(b) INTENT OF THE CONGRESS.—It is the intent of the Congress that—

(1) no permanent change in policy on leasing foreclosed property is being established with respect to depository institutions and depository institution holding companies; and

(2) subsection (y) of section 18 of the Federal Deposit Insurance Act should not apply to leases entered into after the sunset date contained in such subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. DONNELLY), a chief sponsor of this legislation.

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise in strong support of H.R. 2529, the Neighborhood Preservation Act, which I joined my colleague from California, Mr. GARY G. MILLER, in introducing.

This bill would amend The Federal Deposit Insurance Act to allow depository institutions like banks to temporarily lease a foreclosed property for up to 5 years. This bill is a fiscally responsible way to help mitigate the damage of the housing crisis and does not cost the government any money. The President has recently spoken in support of this idea. We hope that banks will utilize this to mitigate damage to hard-hit communities and prioritize working with the foreclosed family first.

My home State of Indiana ranks 13th in the country for number of foreclosures. Our district has felt the pain of the economic downturn, as many have lost jobs and struggled to make ends meet. Like many Americans, we have found ourselves unable to pay our mortgages and faced with foreclosure, and that is what has happened to many families in our district.

□ 1100

When a bank is forced to foreclose on a home, many people suffer. The family suffers as they are forced to find a new place to live and new schools for their children. One foreclosure can depress an entire neighborhood by decreasing the values of surrounding properties, and the depository institution that holds the mortgage no longer receives payments on the home. H.R. 2529 would help to minimize the impact of foreclosure by allowing depository institutions to rent a foreclosed property for up to 5 years to the previous owner or to another owner. Allowing depository institutions to lease the foreclosed property gives families a chance to stay in their home and to make payments as a renter until they have the means to become an owner again. It does so without adding any cost to our deficit. Not only does this help provide some relief to the former homeowner, it helps to preserve the economic values of surrounding homes in the neighborhood, and it provides stability in the housing market. The number of foreclosed homes on the market have contributed to an oversupply of unoccupied homes. Having a high number of unoccupied bank-owned homes negatively impacts whole communities and can even drive up crime, as these vacant homes can become havens for squatters. There are 19 million vacant homes across the United States. That's up from 15.7 million only 4 years ago. These homes present a number of safety concerns. By allowing a family to reside as a renter, they're able to care for the property and prevent further adverse consequences. This bill is a temporary measure that can serve as a useful tool to keep excess housing stock off an already saturated market.

I want to thank the gentleman from California for his work on H.R. 2529, and I'd like to thank Chairman FRANK and Ranking Member BACHUS for their support on this important piece of legislation. I urge my colleagues to support H.R. 2529.

Mr. GARY G. MILLER of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the Neighborhood Preservation Act, a bill that I introduced with my colleague from Indiana, JOE DONNELLY, who I want to thank for his support on this. This bipartisan legislation is supported by Chairman FRANK and Ranking Member BACHUS of the House Financial Services Committee, who are both cosponsors of the bill.

This bill amends the Federal Deposit Insurance Act to authorize depository institutions and their holding companies to lease foreclosed properties held by institutions for up to 5 years while ensuring the safety and soundness of such activity. H.R. 2529 would provide a tool to address the current foreclosure crisis. Today the American economy is suffering from an overburdened inventory of available houses for sale, roughly estimated at a 10-month supply. In some areas of the country, distressed sales have reached almost 90 percent of the houses being sold which are continually driving down home and neighborhood values. In my district, distressed sales represent approximately 86 percent of homes on the market in San Bernardino County, 65 percent in Los

Angeles County, and almost 50 percent in Orange County. In fact, foreclosures have caused prices to decline in California alone by 30 percent in recent months, and they continue to be a problem.

To address the inventory surplus and help stabilize the housing market, the Neighborhood Preservation Act would allow banks to temporarily—and I emphasize temporarily—lease foreclosed properties. Under the bill, the prior homeowner would have the opportunity to lease a property and could be given the option to buy back the home. By allowing a family to lease a property rather than abandon it, families would be given a chance to remain in their homes until they have the means to own again. This legislation would also enable the lender to sell the property within 5 years into a more stable market; thereby, potentially recovering all or part of the losses that could otherwise have occurred in an immediate sale in a saturated market. The Neighborhood Preservation Act would not only reduce the number of houses being sold, but it would help preserve the physical condition of foreclosed properties, which would ultimately help stabilize the aesthetics and economic value of neighborhoods and communities. This would minimize the negative impact on surrounding homes and neighborhoods that have been impacted by the unrelenting foreclosure crisis.

To ensure bank solvency, this bill would require the Federal bank agencies to establish criteria and minimum requirements for the leasing activities of any depository institution, including minimum capital requirements that the agency determines to be appropriate for the preservation of the safety and soundness of the institution. The bill explicitly states that ''it is the intent of Congress that no permanent change in policy on leasing foreclosed property is being established with respect to depository institutions'' and their ''holding companies.'' The purpose of this bill is to mitigate the impact of the oversupply of homes on the marketplace and allow individuals the chance to stay in their homes during these exigent circumstances.

Mr. Speaker, at no cost to the taxpayer, this bill will help preserve properties and communities, provide more confidence in our housing markets, and assist in stabilizing the economy.

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

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time, so I will let the other side close.

Mr. GARY G. MILLER of California. In recent years, many of you recall that there have been concerns about allowing banks to get involved in the real estate marketplace, specifically being involved in housing sales and housing transactions other than for pure lending purposes.

So before I introduced this bill, I went to all the associations to make sure the understanding was that this was clearly a temporary bill. This bill has been endorsed by the National Association of REALTORS, which mainly had a huge concern with banks being involved with real estate, the National Association of Homebuilders and the National Association of Mortgage Brokers. This bill was discharged from committee without a hearing because the ranking member and the chairman both believed this bill could really have a major impact. That's why this bill is on the floor. I ask for an ''aye'' vote.

I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time, I urge my colleagues to support this bill, and I yield 1 minute to the gentleman from Indiana (Mr. DONNELLY) to close.

Mr. DONNELLY of Indiana. Mr. Speaker, I urge my colleagues to support H.R. 2529. This bill is a very, very positive step for the homeowners, for our neighborhoods, as well as a way to help solve the problem of foreclosed homes in America. So I urge Members' support.

Mr. AL GREEN of Texas. Mr. Speaker, I am pleased to submit my support of H.R. 2529, the Neighborhood Preservation Act. This Act will allow depository institutions and their affiliate entities to lease foreclosed properties for up to five years- it also has a provision which would allow for people to sign leases with the intent to purchase.

The Neighborhood Preservation Act is a commendable approach to utilizing the growing inventory of foreclosed properties and putting American families back into homes. Allowing foreclosed homes to be leased is a win-win situation. This allows people who may not be financially positioned to buy a house an opportunity to live in and potentially purchase a home while also allowing the bank to get some of the money back from the foreclosed property.

Additionally, by allowing depository institutions to lease foreclosed properties, we will put people in homes and begin to reduce the housing inventory overhang that is currently causing downward pressure on home values. This will help stabilize the housing market and will help facilitate the recovery of the greater economy.

Communities throughout the nation will benefit from this legislation, and it could not have come at a more opportune time.

Mr. MOORE of Kansas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2529, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE PROGRAM EXTENSION ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3139) to extend the authorization of the National Flood Insurance Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3139

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 ''National Flood Insurance Program Extension Act of 2009''.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2008'' and inserting ''March 31, 2010''.

(b) FINANCING.—Section 1309(a) of such Act (42 U.S.C. 4016(a)) is amended by striking ''September 30, 2008'' and inserting ''March 31, 2010''.

SEC. 3. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1), by striking ''2005, 2006, 2007, 2008, and 2009'' and inserting ''2009 and 2010''; and

(2) by striking subsection (l).

SEC. 4. CONSIDERATION OF RECONSTRUCTION AND IMPROVEMENT OF FLOOD PROTECTION SYSTEMS IN DETERMINATION OF FLOOD INSURANCE RATES.

(a) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(1) in subsection (e)—

(A) in the first sentence, by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system (without respect to the level of Federal investment or participation)''; and

(B) in the second sentence—

(i) by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system''; and

(ii) by inserting ''based on the present value of the completed system'' after ''has been expended''; and

(2) in subsection (f)—

(A) in the first sentence in the matter preceding paragraph (1), by inserting ''(without respect to the level of Federal investment or participation)'' after ''no longer does'';

(B) in the third sentence in the matter preceding paragraph (1), by inserting '', whether coastal or riverine,'' after ''special flood hazard''; and

(C) in paragraph (1), by striking ''a Federal agency in consultation with the local project sponsor'' and inserting ''the entity or entities that own, operate, maintain, or repair such system''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate regulations to carry out the amendments made by subsection (a). Section 5 may not be construed to annul, alter, affect, authorize any waiver of, or establish any exception to, the requirement under the preceding sentence.

SEC. 5. IMPLEMENTATION.

The Administrator of the Federal Emergency Management Agency shall implement this Act and the amendments made by this Act in a manner that will not materially weaken the financial position of the National Flood Insurance Program or increase

the risk of financial liability to Federal taxpayers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself as much time as I may consume.

I want to acknowledge the great cooperation we have had on a bipartisan basis here, the gentlewoman from West Virginia and I. We have, as Members know, a Flood Insurance Program. It does some good, but it's become somewhat controversial. There are Members who would like to see its future extended, and I tend to agree with them. Some of our colleagues from the gulf coast on both sides have talked about extending it to, for instance, other disasters and wind. There are Members who believe that the way it works now, it causes undue hardship without providing any serious protection. There are many others who believe—and I think we could argue—that it's time to examine the whole program.

This is an example, Mr. Speaker, where two groups that are sometimes in debate are on the same side; and that is, people concerned about excessive government expenditure and the environmental community. It's certainly our goal to try to discourage people from building where they shouldn't. On the other hand, we have people who years ago, in good faith built there; and they cannot be expropriated and shouldn't be. What we have decided on a bipartisan basis is that we have a program that expires in September. As Members know, the Committee on Financial Services, which has jurisdiction over this, has a fairly broad jurisdiction, including housing and, of course, the financial industry. We have been somewhat preoccupied with those other issues, mortgage foreclosures and financial regulation. We have not had the time to do the kind of thorough reexamination of flood insurance that it deserves. So what we have today as a result of an agreement is a 6-month extension of the program essentially as-is.

There is one change, again in a bipartisan way. The gentlewomen from California (Ms. MATSUI and Ms. SPEIER) and the gentlewoman from Kansas (Ms. JENKINS) came together to ask us for a provision that they believed important for their districts and many others that does no harm and can provide some protection for them. With that inclusion, we are extending it for 6 months. This will now go across the Rotunda to the United States Senate. We expect that they will be able to enact it, if not in the next couple of days, when we come back in September. What this then does is gives us a chance, when we come back in 2010, to deal with this in a comprehensive way and to do the kind of reexamination that is called for. So that's exactly where we are. I note that the gentlewoman from California has joined us, the author of one of the provisions. I will yield to her after the other side.

I reserve the balance of my time.

Mrs. CAPITO. I yield myself as much time as I may consume.

Mr. Speaker, I want to thank the chairman of the full committee, the gentleman from Massachusetts, for his bipartisan way of approaching this particular issue. He is correct when he says that we've gone back and forth on this over, I think, almost a decade on the way to reform this program. We certainly want to see that.

Everyone here should be in agreement that the National Flood Insurance Program needs reform. The chairman spoke of that. But I think we can also agree it would be irresponsible and unfair to many communities and areas where flooding occurs to let the program expire at the end of September 2009 without attempting to fix it, which is why we need to pass another short-term extension today.

The National Flood Insurance Program is currently carrying a debt in excess of more than $19 billion, primarily from property damage claims that were paid after the series of big storms that hit Florida in 2004 and the gulf coast in 2005. According to the Government Accountability Office, the NFIP is underfunded by design because many property owners continue to receive subsidized premium rates under long-standing provisions in place since the flood insurance rate mapping system went into effect in 1974. We need to deal with these issues. It's going to take bipartisan leadership on both sides, and I think we have that commitment to get it done. Many of us believe it's time for Congress to work toward encouraging more private insurance and reinsurance capacity to help protect at-risk communities and high-risk regions against the potential damages of flooding as well as other natural disasters. We are committed to pressing forward with reforms as soon as possible and urge others to join us in making this a bipartisan effort as well as a higher priority in this Congress.

In addition to supporting the need for a short-term flood insurance extension bill, I support a small but important technical change that would end the program's illogical and unwarranted discrimination against State and local funding of levee construction and improvement projects. I commend my friend, Congresswoman MATSUI from Sacramento, for her leadership and her thoughtful and constructive proposal. I also would like to salute Congresswoman LYNN JENKINS of Kansas, an active member of our committee, for lending her support. As I previously stated, I know that we have a great need for reform in this program, and hopefully that will be our ultimate goal. But at the same time, I think it's wise for this Congress to extend this program for another 6 months as we would do in this legislation.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the aforementioned gentlewoman from California (Ms. MATSUI), the author of the amendment.

Ms. MATSUI. I thank the gentleman for yielding me time.

Mr. Speaker I would like to thank Chairman FRANK, Chairwoman WATERS, as well as Ranking Members BACHUS and CAPITO and all the staff for all the work they've done to get us here today. I would also like to thank FEMA for their technical guidance throughout the year. The amended bill before us today includes language from H.R. 1525 that I authored to provide technical changes to Federal flood zone designations. This legislation makes a number of modifications to the National Flood Insurance Act in order to give communities clarity to help them restore and improve their flood protection system. From my hometown of Sacramento to the Louisiana bayou to the plains of the Midwest, communities are advancing flood protection infrastructure in order to keep Americans safe and secure.

□ 1115

However, as we work to conform to changing dynamics of flood protection, these communities are seeking clarity as they work to meet Federal regulations.

Public safety is my absolute number one priority. And during the last year that I worked with local, State, and Federal flood protection officials, that remains our priority. This bill will give communities clarity so they can continue to uphold public safety and promote proper protection. Specifically, this legislation will update current law to take local, State, and Federal funding into account when determining designations.

The city of Sacramento and the State of California have devoted millions of dollars toward flood protection. That investment should simply be recognized by the Federal Government. For my constituents this is vital. FEMA needs to recognize what our State and city have contributed when they review the progress made on the Natomas levees in my district and determine the area's flood designation.

This legislation also helps communities understand requirements for a completed system. Current regulations are vague on what a completed system actually is, and this has caused great concern and confusion among local communities. This provision brings greater clarity by combining a public safety standard with a concrete milestone.

Protecting our constituents from the dangers of floods requires a comprehensive approach. Local communities, States, and the Federal Government must all be thoughtful and committed partners to achieve public safety. I am glad that the bill before us today includes this Federal commitment to

give communities clear objectives as they work to improve flood protection infrastructure.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the coauthor of the amendment we have been discussing, the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. The American people have an indomitable spirit, and judging from my constituents, they don't expect the Federal Government to come to their aid for every problem. But they also don't expect us to stand in their way when they are trying to save lives and property.

The massive flooding and loss of life following Hurricane Katrina was a wake-up call for those of us who live along our Nation's beautiful coasts, bays, lakes and rivers. I represent the San Francisco Peninsula. As the name suggests, there is hardly a spot in my district where you can't see water. Currently, an advanced new levee system is being constructed to protect parts of three cities along San Francisco Bay. The levee is being built with local money. The residents have voted to tax themselves to do it. This is exactly how it should be, communities handling their issues themselves.

But currently, FEMA only recognizes Federally funded or managed projects. So, despite the fact that these levees are built to the exact same specifications, until the project is completed, homeowners and businesses in those areas will be forced to pay dramatically higher flood insurance, and any new construction will be required to be built on stilts above where the flood plain would be if the levees had not been built or improved. Imagine putting homes on stilts in an earthquake area. It just doesn't make sense.

Again, the levees are not the issue. These levees are being built to Federal standards. The only reason that tens of thousands of hardworking Americans will have to pay thousands of dollars more in insurance and local builders will have to put their buildings on stilts is because the forward-thinking residents of San Mateo, Foster City and Redwood Shores decided to improve their levees without Federal dollars.

I urge the passage of this amendment and this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 3 minutes. And I would yield for a question to our colleague from Mississippi, who has been, with our support on our committee, a major proponent for protecting the people he represents in the area of wind and elsewhere.

I yield to the gentleman.

Mr. TAYLOR. Mr. Chairman, last year you had extensive hearings on this subject. The bill that was proposed by the House increased the coverage amount since it was a shock to a lot of people who had to rebuild—$250,000 just doesn't buy the kind of house that it used to 10 years ago.

We took the step to end the practice of concurrent causation, where if, according to testimony before the Mississippi Supreme Court, a house was 95 percent destroyed by the wind before the water got there, the insurance companies would bill the Federal Government for 100 percent of the cost of the damage, as testimony before the Mississippi Supreme Court. And then the other thing is the possibility of adding wind insurance to the National Flood Insurance Program so that there isn't any discrepancy. It doesn't matter if the wind destroyed your house or if the water destroyed your house, if you built it to code, if your community built to code and you paid your premiums, that you are going to get paid.

I realize your committee has been very busy with the housing crisis. Everyone is aware of that. But the folks in the affected regions—which is now 52 percent of all Americans—are curious; at what point do you think there will be some talk of these changes to the flood insurance?

Mr. FRANK of Massachusetts. Well, as the gentleman knows, there has been a request from the administration for a longer extension, but the gentleman conferred with the Chair of the subcommittee, the gentlewoman from California (Ms. WATERS), and expressed his concern that that would put off further any chance to do this, and we agreed with that. That is why this is a 6-month extension. And the answer is, I believe the House remains committed to that. What happens in the Senate will be another issue. But it is certainly our intention, the leadership of the committee on the majority side, once again, to work with the gentleman to extend that protection, and hope that maybe things will change in the Senate.

I yield again to the gentleman.

Mr. TAYLOR. Specifically, does the gentleman envision hearings this fall on the subject?

Mr. FRANK of Massachusetts. Yes, it would be very appropriate.

As Members know, we have been a little busy with the financial material, but we are probably not going away for a while this calendar year. And yes, I know the gentlewoman from California, who chairs the subcommittee which has jurisdiction, is very interested in this and does plan to have some hearings.

Mr. TAYLOR. I thank the gentleman.

And to the previous speaker, as someone who lives in a house on stilts and represents a lot of people who live in houses on stilts, they're not all that bad.

Thank you very much.

Mr. FRANK of Massachusetts. I would just finish up by saying that the gentlewoman did talk about the problem of houses on stilts in an earthquake area.

I reserve the balance of my time.

Mrs. CAPITO. I don't live in a house on stilts, I live on a mountain, so I don't need stilts. I guess that's a good thing.

Mr. Speaker, I yield back the balance of my time and urge support of this legislation.

Mr. FRANK of Massachusetts. Well, I will yield back after recalling for no particular reason the views of the British philosopher, Jeremy Bentham, who said that he thought talk of natural law was nonsense and talk of natural rights was nonsense on stilts. That is irrelevant, but it just occurred to me.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3139, as amended.

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

A motion to reconsider was laid on the table.

CLARIFYING SEC'S AUTHORITY TO SANCTION BROKERS

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2623) to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2623

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

SECTION 1. FORMERLY ASSOCIATED PERSONS.

(a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(8)) is amended by striking ''any member or employee'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member or employee''.

(b) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended—

(1) in subsection (c)(1)(C), by striking ''or seeking to become associated,'' and inserting ''seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'';

(2) in subsection (c)(2)(A), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''; and

(3) in subsection (c)(2)(B), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''.

(c) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting '', or, as to any act or practice, or omission to act, while associated with a member, formerly associated'' after ''member or a person associated''.

(d) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting ''or, as to any act or practice, or omission to act, while a participant, was a participant,'' after ''in which such person is a participant,''.

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking ''any officer or director'' and inserting ''any person who is, or at the time of the alleged misconduct was, an officer or director''; and

(2) by striking ''such officer or director'' and inserting ''such person''.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) by striking ''a person serving or acting'' and inserting ''a person who is, or at the time of the alleged misconduct was, serving or acting''; and

(2) by striking ''such person so serves or acts'' and inserting ''such person so serves or acts, or at the time of the alleged misconduct, so served or acted''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is another important bipartisan bill. The gentleman from California (Mr. MCCARTHY) took the initiative here, and we were pleased to work with him.

The Chair of the subcommittee, the gentleman from Pennsylvania (Mr. KANJORSKI), is dealing with a back problem, so he's not here. But he's not dealing with a backbone problem, because this bill puts some more backbone into the antifraud laws. And what it does is, in consultation with the SEC, enhances their ability to kick people, in effect, out of the industry who have a bad record. And it makes it very clear that a past bad record or a past affiliation would still be relevant in giving the SEC the right to protect investors.

We are all aware that too little has been done to protect investors. This is a step forward towards further empowering the SEC to do the job of protecting investors.

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

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2623, legislation that would amend the Federal securities laws to clarify the Security and Exchange Commission's, the SEC, authority to sanction certain employees of regulated or supervised entities after they leave their jobs.

I would like to thank Mr. KANJORSKI and Chairman FRANK for bringing this bill to the floor today. I would also like to mention that this legislation was included in a larger piece of securities legislation from the 110th Congress, H.R. 6513, the Securities Act of 2008, which passed the House on suspension by voice vote.

The legislation is also included in H.R. 3310, the Consumer Protection and Regulatory Enhancement Act introduced by Ranking Member BACHUS, and I appreciate his support on this legislation.

This legislation is directed at ensuring that former employees of organizations like the New York Stock Exchange or the Financial Industry Regulatory Authority can be held accountable for any misconduct while an employee of these organizations.

Many provisions of Federal securities law which authorize the sanctioning of a person who engages in misconduct while associated with a regulated or supervised entity explicitly provide that such authority exists even if the person is no longer associated with that entity or has left his or her job. But there are confusing loopholes so that employees of some regulated or supervised organizations cannot be sanctioned by the SEC after they leave their positions. By clarifying the SEC's authority to sanction formerly associated persons, we ensure that employees are held accountable for their actions while in those positions even if they have moved on to another job.

Specifically, my legislation amends the Securities Exchange Act of 1994 and the Investment Company Act of 1940. Congress must ensure that the SEC has authority to investigate individuals suspected of violating the securities laws, to bring enforcement cases, and have those cases considered on the merits and not be dismissed on an ambiguity because a statute is confusing. No one should be able to violate the securities laws and resign their position knowing that the SEC cannot proceed against them. My legislation does not expand or alter the SEC's current authority; it clarifies it.

One illustration of the need for this legislation is in the case of Sal Sodano, who was chairman and CEO of the American Stock Exchange, AMEX. On March 22, 2007, the SEC charged Sodano with failing to enforce compliance with the Exchange Act during his term as the AMEX chairman and CEO; however, the SEC's filing occurred after Sodano left the AMEX in 2005. So his lawyers pointed to this loophole in the Federal law that the SEC could only sanction individuals while they were still associated with the organization.

The SEC's administrative law judge noted that the current law does not provide for sanctioning of a former officer or director. The judge specifically noted that Congress has drafted many statutes that allow the ability to sanction individuals formerly associated with any number of entities, but not in this case. By passing H.R. 2623, Congress can close this loophole and ensure accountability for individuals working at regulated or supervised entities.

I urge my colleagues to support this legislation, which will provide more accountability, transparency, and efficiency in securities regulation.

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

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill and the preceding bill, H.R. 3139.

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

There was no objection.

Mr. FRANK of Massachusetts. I congratulate the gentleman from California on his work.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 2623.

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

A motion to reconsider was laid on the table.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 685 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 685

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. 3326) making appropriations for the Department of Defense 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. The bill shall be considered as read through page 147, line 4. 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 amendments printed in part A of the report of the Committee on Rules accompanying this resolution, which 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, and shall not be subject to a demand for division of the question; (2) not to exceed eight of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his

designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; (3) an en bloc amendment, if offered by Rep. Flake of Arizona or his designee, consisting of all of the amendments printed in part B of the report of the Committee on Rules, which 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; and (4) not to exceed two 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, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. 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. 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 disposition of the amendments specified in the first section of this resolution, 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. 3326, 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. 685 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 the under the rule and the gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I'm not sure that there are unfunded mandates in this bill. There probably are, but that isn't the reason I raise a point of order. I raise it because it's about the only opportunity those of us in the minority have to talk about this process. It has been extremely restrictive.

The rule reported for the Defense bill marks the 12th time during the appropriation season that the majority has shut down what has traditionally been an open process. It isn't coincidental that the Defense appropriations bill is being considered last and we'll have just about a day to consider it. In recent years, this bill has been rife with earmarks going to for-profit companies, and the measure before us today is no different.

There are 1,102 earmarks stuffed into this bill, and nearly 550 of them, worth at least $1.3 billion, are going to private, for-profit companies. The corrupting nature of this practice, which the President himself has publicly noted, has been, itself, evident with the PMA scandal that has centered around campaign contributions and earmarks.

It is for this reason and this reason alone that I chose to offer 552 amendments to the Rules Committee, each one targeting an earmark that the sponsors listed on their Web site as going to a for-profit company.

These amendments have been derided as an abuse of the process. I would like to address this criticism, which I think is wholly unfair. It's unfair because the Office of Legislative Counsel is not in any way inconvenienced by the drafting of these amendments.

My staff wrote them and wrote them individually. My amendments were delivered to the Rules Committee on Friday of last week, well in advance of a 3 p.m. Monday deadline, giving the staff of the Rules Committee more than enough time to process these amendments accordingly. In fact, I'm told that the Rules Committee closed up shop around 8 p.m. on Friday night. The Rules Committee met yesterday, and the 12th rule of this appropriations process was passed, which restricted amendments again. That meeting lasted just 1 hour.

One hour the Rules Committee met and, in 1 hour, dealt, apparently, with more than 600 amendments that were submitted. That is almost equivalent to the Appropriations Committee meeting for 18 minutes to pass this bill out of committee, a bill with more than 1,000 earmarks, more than 500 earmarks that are no-bid contracts to private companies, passed by the Appropriations Committee in 18 minutes.

Now, the majority talks a lot about making sure that we do this all in a timely process. I would suggest there is something to being a bit more thorough. You cannot vet more than 1,000 earmarks, more than 550 of which are no-bid contracts to private companies, in 18 minutes. And you can't restrict it in this way coming to the floor and expect this to be a thorough process. It is a quick process. Maybe the trains are running on time, but we're not doing our job here.

The flawed process by which the Rules Committee reported this rule does not appear to have been delayed or inconvenienced in any way by the submission of these amendments. Referring to these amendment submissions as an abuse of the process is far-fetched considering the severe restrictions the Rules Committee has placed on our ability to offer amendments to appropriations bills. This is a process, again, that has been traditionally open.

Excluding the Defense bill, more than 800 amendments were submitted to the Rules Committee for the 10 appropriations bills the House has already considered this summer. At the start of the process, the chairman of the Appropriations Committee said, ''There are a limited number of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills.''

The majority leader echoed this sentiment as an explanation for clamping down on the appropriations process: ''So I tell my friend that the reason for rising was to give us the opportunity to go to the Rules Committee and provide for, as I said, time constraints in which we can effectively complete this bill.''

This has been the excuse that's been used so far, an excuse to only make in order 18 percent of the amendments submitted for appropriations bills we've seen so far.

I realize amongst my colleagues I have been the most fortunate. I have been permitted to offer more than 40 amendments, 26 percent of all the amendments ruled in order, in total, for these bills. I suppose I should be grateful for any crumbs that fall from the Appropriations Committee or the Rules Committee.

But my amendments were ruled in order at the expense of other perhaps more substantive amendments in many ways as a way for the majority to deflect blame for a virtually closed process and to prevent their Members from making tough votes on some of the other amendments that were submitted.

When I was on the House floor with a couple of bills, time and time again, in fact, 16 times, I asked for unanimous consent to substitute some of my colleagues' amendments for my own. We already had the time constraints for the bill, so the notion that we had to make the trains run on time, we had to get this debate done was not the point. But I was rejected 16 times in a row, not because the amendments offered by my colleagues weren't germane. They were. They simply weren't ruled in order by the majority because they didn't want to face those amendments.

And if we're going to talk about abuse of process, there it is. It's not offering 550 amendments because we are doing more than 550 no-bid contracts to private companies. That's not where the abuse lies. The abuse lies in the majority's saying we are only going to

entertain those amendments that we know we can beat or that we want to entertain or that are entertaining, apparently, not the ones that may be difficult for us.

Now, when Republicans were in the majority, I have often said that we did a few things that we shouldn't have. Holding a vote open for 3 hours wasn't a good thing. But I have never seen any of the abuse of the process like this. No matter how the Republicans, when they were in power, didn't want to see amendments, like some of mine, they allowed them. We spent, I think, 3 days on the Interior appropriations bill because Members kept coming forward offering amendments that our own majority did not want to see, but they knew that they shouldn't shut down this process, which has been traditionally open.

But the new majority has decided to completely close it and did not have one appropriation bill this year come to the floor under an open rule. In particular, when some will make the argument that, well, hey, back in the 1970s there were occasions when these appropriation bills were not brought to the floor under an open rule, the situation we have today is a situation in which bills are brought to the floor that have been stuffed to the gills with earmarks like this bill that we're considering today. More than 1,000 earmarks, more than 500 of which are no-bid contracts to private companies for which the Appropriations Committee took a paltry 18 minutes to vet and to send on to the House floor, and then we're told, ah, but you can only offer eight of the 552 amendments you submitted. Only eight of them. You can choose them, but only eight, because we don't have time to vet any more at that time.

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

Mr. POLIS. Mr. Speaker, I rise to claim time in opposition to the point of order.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 10 minutes.

Mr. POLIS. Mr. Speaker, as my colleagues know, we've been here before. This very same point of order has been raised against nearly every appropriations bill, and each time it's used to discuss something other than its intended purpose, which is supposed to be about unfunded mandates. Once again, it's about delaying consideration of this bill and, ultimately, stopping it altogether.

I hope my colleagues will again vote ''yes'' so we can consider this legislation on its merits and fund the important defense needs of our Nation and not stop it on a procedural motion. Those who oppose the bill are welcomed to vote against this bill on final passage. We must consider this rule and we must pass this legislation today to continue to fund the defense and protection of our country.

□ 1145

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 from Arizona has 2 minutes remaining. The gentleman from Colorado has 9 minutes remaining.

Mr. FLAKE. It was said again that I'm just trying to delay this process. If I were trying to delay this process, I could stand up here with a privileged resolution and read every one of the amendments that I wasn't allowed into the RECORD. It would take hours to do that.

I'm not trying to delay this process unnecessarily. This isn't a dilatory tactic. It's just about the only way we can stand and actually register objection to this closed process. I suppose I could, and this would be chilling reading, read the transcript of yesterday's court trial of an individual who, I believe, is pleading guilty in some fashion, a contractor who received earmarks and passed them on to other contractors who weren't doing any work at all. That was under a previous Defense bill that wasn't vetted, as it should have been, that came to the floor probably last year under a closed process; no amendments could have been offered.

And so here we have investigations, particularly with the PMA scandal, swirling around this institution because we aren't doing our work. We aren't vetting these bills. I wish that the Appropriations Committee would, but they're not. And then when you come to the floor and say, we'd like to challenge a few of these earmarks, you say, you can challenge eight of them; 8 of the more than 550 no-bid contracts to private companies. You can only question eight of them. That's all we have time for because we have to pass this bill today for some reason.

The fiscal year doesn't run out until the end of September. This is not a bill that has to be passed today or tomorrow. We can spend the time that we need, or we should have taken time earlier this year instead of doing suspension bills or last Friday, instead of passing a wild horse welfare act or whatever we did.

The appropriations bills are the most important work this Congress does. And to say that we have to move through them quickly so nobody sees what we're doing, so nobody sees that we're doing no-bid contracts for private companies is simply wrong. That is the abuse of power in this institution, not bringing 553 amendments to the floor.

With that, I urge opposition to the rule and yield back my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I would encourage my colleague from Arizona to stick around, assuming that this motion passes, for the discussion of the rule. He will find in the proposed rule there is the opportunity that we will be giving the House of Representatives as a whole to vote on a block of amendments that the gentleman has identified, as well as several individual ones that the gentleman has identified.

I urge my colleagues to vote ''yes'' on this motion to consider, so that we can debate and pass this important piece of legislation today.

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 of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California, my colleague on the Rules Committee, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 685.

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 685 provides for consideration of H.R. 3326, the Department of Defense Appropriations Act of 2010, under a structured rule. I'd like to thank Chairman OBEY, Ranking Member LEWIS, Chairman MURTHA and Ranking Member YOUNG for their tireless and bipartisan work on this important bill to fund the defense needs of our Nation. Their job is not easy. The needs of this country are endless, our security challenges are daunting. Threats to our security are numerous and always changing. And the resources that we can devote to these problems are precious and limited, as our Nation faces a severe recession.

So each year we must prioritize, reevaluate and invest in strategies that will keep our country and our people safe. We will invest in the equipment that will protect our troops and in programs that will care for the men and women who defend us, who serve our country so bravely and capably every day.

H.R. 3326 fulfills these responsibilities by providing first-class equipment for our troops that are in harm's way, by increasing fiscal responsibility and oversight within the Department of Defense, and by investing in adequate health care and increased compensation for our soldiers and their families.

To help protect our troops, the bill provides increased funding for the mine-resistant ambush protective vehicle fund and the procurement of new Humvees and new heavy and medium

tactical vehicles to meet the needs of our military. The bill also invests in weapons systems that meet our current and future needs, instead of plunging money into weapons systems that do not meet timelines, budgets or realistic threats or are based on threats that are antiquated that we no longer face.

We need to transform our military to make sure that we can keep the American people safe. We cannot fulfill our responsibilities to the troops, to taxpayers, or to the Nation if we can't meet our fiscal responsibilities.

H.R. 3326 reduces advisory and assistant service contracts by saving $51 million while providing $5.11 billion for Department of Defense personnel to perform DOD functions. The bill also provides funding for the Inspector General to increase oversight over the acquisition and contracting process to ensure the taxpayers' funds are spent wisely. By reducing funds for wasteful weapons and bloated contracts, we can provide better care and a better quality of life for the men and women of the Armed Forces and their families.

H.R. 3326 increases pay for all servicemembers by 3.4 percent, and fully funds the requested end-strength levels for active Reserve and selected Reserve personnel. The bill continues efforts to end the practice of stop-loss, so difficult for the families of our troops who are deployed overseas, and includes $8.33 million to pay servicemembers $500 for every month of involuntary service.

The bill provides $29.9 billion for top-of-the-line medical care, including $500 million for traumatic brain injuries and psychological health and increased funding for the wounded, ill and injured warrior programs. We can make no greater investment than in the health and welfare of those who have sacrificed and given so much to protect our freedoms.

It's also important to keep in mind that for every soldier who is dutifully serving on the battlefield, in Iraq or Afghanistan, sailing on a ship in the Pacific of the Atlantic or stationed on a military base in Germany, Japan or elsewhere, there is also a military family in our neighborhoods, in our districts, in our cities, and those families too are serving our country. To honor their commitment to this country, and to acknowledge their sacrifice, this year has been called the Year of the Military Family, and this bill adds substance to those words and that title.

H.R. 3326 includes over $472 million for family advocacy programs and fully funds the Family Support and Yellow Ribbon programs. The bill also includes $20 million for the Army National Guard Family Assistance Centers and Reintegration programs. I strongly believe that this bill is a positive step forward in the way that Congress prioritizes our military spending and provides for the men and women who serve our Nation and their families.

I support H.R. 3326 and House Resolution 685.

I reserve the balance of my time.

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

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

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation to my very distinguished Rules Committee colleague for yielding me the customary 30 minutes. I was just thinking as I was sitting here listening to his very thoughtful remarks. And he is a diligent and hardworking new member of the committee. He's now, this month completed 6 months, halfway through the first session of the 111th Congress. And my friend on the Rules Committee has, along with 70-some-odd other Members, not once, not once seen something that, when I'd been here 6 months I'd seen on countless occasions, and that is an open rule, an open amendment process.

And I will say, Mr. Speaker, that I hope very much that my friend on the Rules Committee, the other new members of the Rules Committee, and the Members of this institution and, most importantly, the American people, will, sometime in the 111th Congress, have the opportunity to see an open debate under the 5-minute rule in the House of Representatives.

Mr. Speaker, last week we marked a very significant anniversary in this institution. It was the formal consideration of James Madison's proposal to amend the Constitution to add a Bill of Rights. That debate, Mr. Speaker, began 220 years ago, just this last week. It was July 21 of 1789 that the House of Representatives began the process of debating whether or not to proceed with the Bill of Rights. In that first summer of the very first Congress, Congressman Madison proposed his amendments, which were considered by the House Rules Committee, and then moved to the House floor for a 10-day debate.

And I underscore that again, Mr. Speaker, the debate that took place on the floor of the House of Representatives lasted 10 days for consideration of the Bill of Rights. Now, I believe, Mr. Speaker, that that took place that summer and it was very, very instructive. It was instructive, the debate that we saw 220 years ago this summer, not just for its substance, but in many ways for the nature of that debate that was managed by Congressman Madison who, incidentally, represented the seat that is now held by our distinguished Republican whip, Mr. CANTOR.

Throughout the course of that debate, summer of 1789, it was very clear that Mr. Madison had great respect for the views of the Members who disagreed with him. He had a great deal of respect for those with whom he vigorously disagreed. He argued with civility, comity, and respect. He never impugned his adversaries' motives. In fact, Mr. Speaker, he not only didn't impugn his adversaries' motives, he actually defended them himself during debate. He passionately sought consensus on the fundamental issues and placed it above his own ambivalence that existed on lesser concerns.

And it was ambivalence, because, if you recall your history, Mr. Speaker, he was not, at the outset, a believer in the necessity for a Bill of Rights. He urged his colleagues to act on, and I quote from a June 1789 speech when he actually introduced the Bill of Rights, what he called the principles of amity and moderation to proceed with caution, but that ultimately they must act resolutely to satisfy the public mind. Again, Congressman Madison's words.

He clearly did not believe that decisive action and a full, open debate were mutually exclusive. He believed that clearly that ultimate decision would be a better one with a full, rigorous, and open debate. He saw them as being fully intertwined, that elevating the debate above reproach would give this body the moral authority to act decisively and appropriately as a truly representative body, which it has been.

I believe in this Madisonian model, Mr. Speaker, very, very fervently. I believe in that model of intellectually rigorous, open, and civil debate. So it's with great dismay that I have seen the tenor of our debate deteriorate and the legislative process grow even more closed in recent years. The closing down of the traditionally open appropriations process has, for me, personally, been the most troubling thing to observe.

□ 1200

We have the very serious responsibility of spending the taxpayers' hard-earned money. That responsibility deserves a completely open and transparent process. Unfortunately, this year, for the first time in the 220-year history, we have had a restrictive appropriations process from the beginning to what today is now the end. As was pointed out by Mr. FLAKE earlier, this is the last of the now 12 appropriations bills. Today, we consider that final appropriations bill under the exact same, restrictive process with which we've considered every single appropriations bill for the upcoming fiscal year.

Now, Mr. Speaker, as we mark this 220th anniversary of that very historic debate on the Bill of Rights, we, unfortunately, are making history of our own. It's not history of which we can be very proud. It's not history that will judge this institution kindly. Today, we mark the final death knell for the open process with which we have historically handled our constitutionally mandated power of the purse.

The abandonment of this tradition began just over a month ago, on June 17, when the Democratic majority announced at the very outset of the process that it would not be granting the customary open rule for spending bills. Since that day, June 17, we have been on a steady march toward an ever more

restrictive process, barring the full transparency that the taxpayers deserve and prohibiting the full participation of rank-and-file members of both parties.

I will say that we regularly hear that this is characterized as Republicans complaining or whining. We are fighting for the rights of Democrats and Republicans. The reason is the Democrats and Republicans represent the American people, and it's the American people who are being undermined by this very unfortunate process.

With today's consideration of our final appropriations bill, the full pivot to what I am describing as the ''new normal'' becomes complete. Having cast aside one of our longest-held traditions, we now have a process where the chairman of the Appropriations Committee alone is the sole arbiter of what spending amendments may be offered, who can speak on them and for how long. They have done this in the name of expediency, citing a strict schedule that must be adhered to.

If they were only concerned with time limits, Mr. Speaker, as Mr. FLAKE pointed out earlier, why didn't they simply impose an overall time limit debate on each bill? If it simply were this schedule that Mr. OBEY has repeatedly held up, just put an outside time limit on the debate. I would not have been a proponent of that, but it certainly would have been preferable to this kind of restriction imposed on the American people by way of preventing their Democratic and Republican Members of the House from being able to offer their amendments.

A popular justification has been to claim that the process took too long back in 2007, so it had to be controlled from the beginning this time, but that argument completely overlooks the fact that 2007 was a very unique year. It was the transition year from a Republican majority to a Democratic majority here in the House. One of the hallmarks of transition years is a lengthier appropriations process, and yet the new Republican minority took less floor time in 2007, almost 26 hours less, than the new Democratic majority did back in 1995. Again, let me underscore that.

When we heard that the 2007 appropriations process was so out of hand, we needed to realize that, in its being a transition year, there were actually fewer amendments that were proposed by Members of the new minority. That had been the case when Democrats were in the minority back in 1995. When we compare these 2 years, it is very clear that, while there was an increase in time spent on our spending bills in 2007, it was very modest to what the Democrats engaged in when they entered into the minority, as I said, following the 1994 election.

The Democratic majority's excuses just don't stand up to scrutiny. The real motivation, Mr. Speaker, for this restrictive process has been to cherry-pick amendments and to shield their profligate spending practices from any real transparency or accountability. It's very obvious.

I and my Republican colleagues on the Rules Committee—Messrs. DIAZ-BALART and SESSIONS and Ms. FOXX—have just completed, through a great deal of effort by members of the Rules Committee staff, this report entitled ''Opportunities Lost: The End of the Appropriations Process.'' I'm glad that my friend on the other side of the aisle has it, and I look forward to his comments and thoughts on it, as well as I do of those of our other colleagues. I encourage anyone who is interested in this to read it. I have this report which we're just issuing today, Mr. Speaker. In the not too distant future—I hope later today or tomorrow—we will actually have this report available online for our colleagues who would want to gain access to it. They just need to go to rules-republicans.house.gov, and a copy of this report will be made available.

The greater irony, Mr. Speaker, of all of this is that the Democratic majority campaigned on the need for full, open and transparent debate. That was the plank of the platform back when the majority was won and, in fact, in the last election as well. I think it's extraordinarily ironic, while we heard this argument made about a ''culture of corruption''—those are the terms that Ms. PELOSI used repeatedly—that we just had the gentleman from Arizona offer over 500 amendments to deal with this challenge. I mean there are former Members of this institution who are in jail today because of abuse of the earmark process. Yet those who campaigned on this issue of ending the culture of corruption are denying an opportunity for a full vetting of the amendments that have been proposed by our friend Mr. FLAKE.

Regardless of what you think on a particular issue, it would seem that denying him the opportunity to offer these amendments, of which he only has an opportunity to offer 8 amendments out of the 500 that he filed—and he can only pick very few of those—is, to me, really playing the role of exacerbating what Ms. PELOSI described as the culture of corruption rather than working to bring it to an end.

I will say that, as we proceed here—and we've gone for 2½ years. It actually has been exactly 2 years since we've had an open rule considered here in the House of Representatives. I've got to say, as to the notion of saying that we were going to have, as the American people were promised, a full, open, rigorous, transparent debate, they were empty words. They were clearly empty words. They have taken us precisely in the opposite direction, Mr. Speaker, culminating in this dubious honor of being the first majority in the 220-year history of the United States of America to shut down the appropriations process from start to finish.

Now, I believe it's no accident that this abandonment of open debate on our appropriations bills has coincided with the most excessive spending in our Nation's history. It's no coincidence that our deficit has exceeded the $1 trillion mark just halfway through the year at the same time that the Democratic majority has shut out meaningful debate on their spending practices. Looking back over the better part of the last two decades, as this detailed report of ours shows, it's clear just how much damage has been done to our deliberative imperative as an institution under this new majority.

Mr. Speaker, this resorting to restrictive debate is made even starker when we look back to exactly where we began 220 years ago this summer with that great debate launched by the author, the Father of the U.S. Constitution, James Madison, when he decided to proceed with the Bill of Rights. If James Madison were around today, he would be absolutely horrified. In fact, I think this is the closing line that we have in this report.

It reads, ''This summer marks the 220th anniversary of the introduction of the Bill of Rights by James Madison in the First Congress. It is a good thing that he is no longer alive to see what the House has become. If he were, he would wonder where we went wrong.''

Mr. Speaker, I want us to have an opportunity to engage in rigorous, open, civil debate. Unfortunately, we are denied that opportunity under this restrictive rule, so I urge my colleagues to oppose this rule. This is our last opportunity in this appropriations process. We can prove wrong the statement that I just made that we've had a closed process from start to finish if we can reject this rule.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for this report. I look forward to reading it, to discussing it and, hopefully, to imposing some best practices for future processes.

I would point out that there are, of course, distinctions in the type of work that we do here; between the critical, philosophical, democratic bases of our country and the discussion and debate around the Bill of Rights, and the work of the House that we need to conduct in a bipartisan way.

The gentleman will recall that, yesterday, Ranking Member YOUNG and Chairman MURTHA appeared before our Rules Committee and discussed how there was a strong bipartisan consensus on the bill. In fact, I believe that Ranking Member YOUNG indicated that the bill would look substantially the same regardless of which party were in the majority, which shows the dedication of both parties in our country to protect our people.

I have to admit that, as somebody who was against the Iraq War and as somebody who is very skeptical of our ongoing operations of Afghanistan and, indeed, as to what our exit strategy is, it was actually disconcerting to me that the bill would look the same with regard to whichever party were in the

majority. I would like to address some of the issues relating to the exit strategy in Afghanistan and where we see that going.

I would like to yield 3 minutes to my colleague, the vice chairman of the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and in support of the fiscal year 2010 Defense appropriations bill, which the House will take up shortly. With the passage of this bill, we will have completed all of our appropriations bills, and we will have successfully overcome Republican obstructionism and attempts to undermine the legislative process. So I think this is good news for the people of the country that we are actually getting our work done, which is something that they were not able to do very successfully.

Mr. Speaker, H.R. 3326, by and large, is a good bill. It provides support for our military families, and it provides our troops with the funding and the equipment they need to successfully perform their duties and to carry out their assigned missions.

I want to congratulate Chairman MURTHA and Ranking Member YOUNG for their bipartisan work on this bill, but, Mr. Speaker, I do not support this bill without significant reservations.

I believe that this Congress has not yet come to grips with what our policy is in Afghanistan. This House recently passed an emergency supplemental appropriations bill that provides billions and billions of dollars for the war in Afghanistan, a measure that I opposed, but I believed then, as I do now, that it is a mistake to spend billions and billions of dollars more for a war that has no clearly defined mission.

My concern deepened when I recently read reports that indicated that General McChrystal believes we will have to expand our forces and, thereby, expand our mission in Afghanistan, meaning more money and more troops right now just to get the job started. I still have this sinking feeling in the pit of my stomach that we're getting sucked into something where the mission and goals are vague and where it is unclear how it will end.

Mr. Speaker, that's why we need an exit strategy. We need a clear definition of when this policy comes to an end and when our troops can come home, not a date certain but an explanation as to when the military part of this operation comes to a close. I remain skeptical about our policy in Afghanistan. I think this administration needs to provide Congress, this Nation and our military families with more clarity on this issue. If they don't, I believe Congress needs to demand it.

Like all of my colleagues, I have had many conversations with the men and women who serve in Iraq and Afghanistan—sometimes when they are about to deploy, sometimes when they have just come home, sometimes when they come to my district office, and often because we just run into one another at a coffee shop, at a diner, at a community center or on the street. I believe that we owe them a great deal for their service. We owe them the respect of looking them in the eye and of telling them that we know exactly what we are doing when we vote for money and missions that will send them directly into harm's way—someplace from where they may not return safe and sound to their families and to their loved ones.

□ 1215

I'm not asking for a protest vote on this bill. On this day, I intend to support the bill.

The SPEAKER pro tempore (Mr. ALTMIRE). The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. MCGOVERN. Mr. Speaker, on this day I intend to support the bill, but I raise these concerns because I firmly believe they need and deserve more discussion and more debate. Congress has been too quiet on the issue of Afghanistan, and that needs to change.

I thank the gentleman for yielding.

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

I would like to say in response again to my hardworking Rules Committee colleague, Mr. POLIS, who earlier was talking about the great hearing that we had upstairs with the chairman and ranking minority member of the Defense Appropriations Subcommittee, he was talking about the fact that Mr. YOUNG had indicated that this bill would look very similar if he had been in the top position as chairman—which he's been chairman of the Appropriations Committee, chairman of the Defense Appropriations Subcommittee, and now, of course, serves with great distinction as the ranking minority member.

But I would argue, Mr. Speaker, that this does not in any way mean that because the Appropriations Committee members continue to work together that we should deny the rest of the American people who don't have representatives, like the gentleman from Colorado and I, who serve on the Appropriations Committee the opportunity to participate in this process which was always the case when Mr. YOUNG was chairman, with a very, very brief exception when there was a bipartisan consensus and concern back in 1997, I guess. I don't think he was chairman in 1997 on that one occasion. But I've got to say, I suspect, under his chairmanship, we always had an open amendment process here on the House floor.

And I would yield to my good friend from Indian Shores, the distinguished ranking member of the subcommittee and former chairman of the subcommittee and the full committee, Mr. YOUNG. I would like to engage in a colloquy with him.

Mr. YOUNG of Florida. It's a good bill. And both spokesmen from the Rules Committee are correct. We did testify that this bill was written, created with tremendous bipartisan support, bipartisan cooperation, and it's basically the same bill that we would have presented if I were chairman still to this day.

But the point that Mr. DREIER makes is this: When we were the majority, we brought this bill to the floor under an open rule. We allowed all of the Members, not just the members of the subcommittee, not just the members of the Appropriations Committee, but we allowed all of the Members, as long as the amendment was germane—we did have to meet the germaneness issues, but we allowed Members to offer whatever amendments they felt that they should offer and to have the debate.

So I'm a strong supporter of this bill because it's a good package. It provides for adequate training. It provides for adequate equipment to perform the mission, and it provides force protection information and equipment to protect the soldiers while they're fighting. So it's a good bill.

We think that the rest of the Members should have an opportunity to be involved in the debate. This is a great, great national security issue.

Mr. DREIER. I thank my friend for his very thoughtful contribution and having served as many years—how many years has my friend served in the House?

Mr. YOUNG of Florida. Thirty-nine.

Mr. DREIER. So nearly four decades in this House. And, Mr. Speaker, during those four decades of very distinguished service, Mr. YOUNG has been in the minority and the majority and virtually always had an open amendment process. And he understood very well, as the chairman of the Appropriations Committee, that to deny Members the opportunity to participate in this is just plain wrong.

And with that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on the rule.

This is serious business, one of the most important bills that we will be examining.

I wanted to call attention to two items that I had hoped to be able to be debating here on the floor dealing with restoring the environmental restoration funding for the Army, Navy, Air Force and defensewide accounts for fiscal year 2009 levels to increase the much overlooked, formerly-used defense sites by $49 million.

Environmental restoration, formerly used defense sites, are areas that simply get overlooked. The committee, in its wisdom, accepted levels that were recommended by the administration, but that doesn't make them right. We are in a situation now where we are

looking at not just decades, but far into the future to be able to clean up the toxic legacy of unexploded ordnances and military toxics.

I am concerned that we are going to be losing money in the long run. It is my intention to work diligently with the committee in conference to see if we can make the adjustments, if we can work with the administration that they make this a higher priority because every State in the Union is burdened with this toxic legacy of unexploded ordnances and environmentally dangerous items. The military wants to clean it up. We need to give them the resources to do so.

I have been listening to the colloquy here about process with my good friends on both sides of the aisle. I am hopeful that we will be able in the months ahead to be able to roll up our sleeves and work together. There is never really a good time to fix this, but I hope that we will be able to return to a more regular order in the next cycle. I will look forward to working with friends on both sides of the aisle to make sure that this is smooth, everybody has their voice, and that we are working to respect one another.

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

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. I listened to things yesterday that were deeply disturbing on the floor of the House as, ironically, I was in the Chair, and I heard things that I thought were, frankly, over the line. But I understand frustrations build on both sides.

Mr. DREIER. Will the gentleman be happy to yield?

Mr. BLUMENAUER. I would like to finish.

Mr. DREIER. I would like to yield my friend an additional minute, Mr. Speaker.

Mr. BLUMENAUER. With due respect, I would like to finish my thought and then I will yield to you on your time.

Mr. DREIER. I just yielded you a minute.

Mr. BLUMENAUER. What I wanted to say was that I am hopeful that we can sort of take a little air out of the balloon.

One of the first things I did when I came here right after the government shutdown in a special election was to be part of an effort to have——

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

Mr. DREIER. Mr. Speaker, I would like to yield the gentleman a minute.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

It was a part of an effort where we had sort of a bipartisan civility caucus where we had conferences and we worked to try and lower the temperature here. I don't think it's something that's going to happen today or tomorrow, but I want to say that I am hopeful that we can pull out of this nosedive that we're hearing with some of the heated rhetoric on some of the health care issues.

I heard the gentleman talk about open rules as it relates to appropriations. I think it's part of a great big package. I think we all need to be working together to cooperate on this. And it's something that I care deeply about and look forward, after we get out of here and get back home, to be grounded at home, as we come back in the fall, that there are things that we can work on to make progress.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding.

Let me simply say that what has led us to this point has been, for the first time in the 220-year history of the United States of America, the shutting down of the appropriations process.

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

Mr. DREIER. I would yield to myself 30 seconds.

I will say to my friend, if I could engage in a colloquy with my friend, I will say to him that very, very clearly the argument that he has just propounded about the desire to get back on track with an open—I assume the gentleman meant an open amendment process, which is what we have had for 220 years. I will say it is my hope we will do that. But frankly, today is our last opportunity if we in fact have all 12—as has been the case—all 12 of the appropriations rules closed down as this has been.

Mr. BLUMENAUER. Does the gentleman want a colloquy?

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

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend.

Mr. BLUMENAUER. I understand the gentleman's frustration, but I sat on the other side and listened and had things that our people——

Mr. DREIER. Mr. Speaker, if I could reclaim my time, let me say, Mr. Speaker, as I reclaim my time and say the following:

My friend, Mr. BLUMENAUER, Mr. Speaker, my friend, Mr. BLUMENAUER, has never sat on the side as a member of the minority having been denied the opportunity that he has just said that he has denied today in the appropriations process because never before has he or any Member of this institution have all of the appropriations rules handled under a closed process such as this.

Mr. Speaker, at this time I am happy to yield 3 minutes to my very, very hardworking colleague from Morristown, New Jersey (Mr. FRELINGHUYSEN) the distinguished ranking member of the Subcommittee on Energy and Water.

Mr. FRELINGHUYSEN. I thank the gentleman.

I rise in opposition to the rule but in support of the underlying Defense appropriations bill.

There is nothing more important than the safety and security of our Nation and our people. This underlying bill will provide our troops—volunteers—the resources and tools they need that will allow them to continue their heroic work to protect us and our interests around the world. Even though I oppose this restrictive rule—and it's a restrictive rule—I will support the bill. But I wish we could have found some way to meet and improve on the President's request for the Department of Defense.

This bill falls $3.5 billion short of even President Obama's treading water budget. The world did not become a safer place in January. The signs are everywhere. North Korea is threatening conventional and nuclear war. Russia is becoming more belligerent. China is rapidly expanding its naval forces, cybercapabilities, and its space ambitions. Iran is working overtime on missile and nuclear capabilities, and yes, there are disturbing signs occurring in Africa, horrendous acts of violence in the name of religion. And yet we're cutting missile defense, halting the Army's modernization program, known as the Future Combat Systems, and refiguring it, and failing to provide enough money for more Navy ships and fifth-generation Air Force fighters.

This treading water approach to national security is very shortsighted. Mr. Speaker, I support reform of our military acquisition process. I support Secretary Gates' program to reexamine our national security priorities in light of new irregular challenges and the threats that are proliferating well beyond Iraq and Afghanistan.

But I'm worried about our apparent obsession with this war-ism. Yes, we must focus our attention and resources and energy on Iraq and Afghanistan, but I urge my colleagues to make sure that we make enough investments today to ensure that we will be prepared to defend our interests against all threats in the years to come.

Mr. Speaker, our Defense Subcommittee once again has been a model for bipartisan compromise and cooperation in the interest of national security. I want to thank Mr. MURTHA and my ranking member, Mr. YOUNG, who spoke earlier, for their hard work and that of staff.

But I urge defeat of this restrictive rule.

Mr. POLIS. Mr. Speaker, I want to ensure, with regard to the excellent colloquy between my colleague from California and colleague from Oregon, I share the concerns addressed by my colleague from Oregon. And again, that was not a call with regard to this particular rule on this particular bill, but it is a discussion of process, which is a healthy discussion.

I look forward to reading the report that was put together by our colleagues in the Rules Committee. We

are all in agreement that we should work to improve the process together. We want a process that we can all stand before the American people and say that this was a good process, a constructive process, one that values expediency, participation, input; and I feel that we can build upon the best practices and precedents of the past to work together with our colleagues on the other side of the aisle to have improved processes in future years.

I would like to yield 2 minutes to the gentleman from Washington, a member of the Committee on Appropriations, Mr. DICKS.

Mr. DICKS. I appreciate the gentleman yielding me time.

I want to congratulate Chairman Murtha and Mr. YOUNG, who has been our chairmen in the past, for the excellent work they have done in crafting this Defense Appropriations bill.

I have been on this committee for 31 years, and I am Vice Chairman, and I think we have a great staff that works collaboratively on this bill.

□ 1230

In discussing this process issue, I think the one thing that we do want the American people to understand is that in every one of our 12 subcommittees, the ranking member, the Republican, and the Democratic chairman are working together very effectively. They are involved in the entire process. I feel that this is an indication that there is a bipartisan collaboration on these bills.

At the full committee, there is no limit on amendments. The minority was able to offer as many amendments as they wished on each of these twelve bills.

Mr. DREIER. Will the gentleman yield for just one brief second? I am happy to yield additional time.

Mr. DICKS. Yes, if you will yield me an additional minute.

Mr. POLIS. I yield an additional minute to the gentleman from Washington.

Mr. DREIER. I would just like to say to my friend I think he makes a great point, Mr. Speaker, about the working together of subcommittee chairmen and ranking members.

We have been regularly arguing, and I know my friend understands very well in his distinguished leadership position that on the floor when we have an open amendment process, the subcommittee chairman and the ranking member, not anyone in the leadership, worked this out on the floor, just as they have in committee. And it was my hope that we were going to be able to do that through this appropriations process.

I thank my friend for yielding.

Mr. DICKS. We got through these 12 bills, and what I am saying here today is the American people want us to get our work done.

Now, when you are faced with the reality of the minority offering 600 amendments—600 amendments—that would take us days to go through 600 amendments, we have got other issues that have to be dealt with.

I am not going to yield at this point until I finish.

The first year that I was chairman of the Interior and Environment Appropriations Subcommittee, we went back and looked at it. The year before, when we were in the minority, it took about 8 hours to finish the bill, to go through the entire bill. The first year we were in the majority, it was 22 hours, and there was no limit to the amount of amendments that could be offered.

So I think we had to do this. This was the responsible thing to do, was to limit the number of amendments, let the people like Mr. FLAKE, Mr. CAMPBELL, who want to pick out some of the earmarks that they are against, let them have their moment to address those issues and deal with any other major substantive matters. But in order to get our work done, we could not let this thing be open-ended when one side just wants to abuse the process, unfortunately.

Now, if we could have gotten an agreement, and I am told our leadership went over and met with Mr. BOEHNER, Mr. HOYER, Mr. OBEY and Mr. LEWIS and tried to work out something. The way you would work this out—and the gentleman from California and I are good friends and we worked together on many important trade issues over the years and I have great respect for him—well, the way to work this thing out is for the two sides to get together before we go to the floor and limit the number of amendments, limit the number of amendments, and then have a unanimous consent agreement, if both sides can control their Members.

Mr. DREIER. If the gentleman will yield on that point?

Mr. DICKS. I will yield on that point.

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

Mr. POLIS. I yield one additional minute to the gentleman.

Mr. DREIER. If the gentleman would further yield, let me just say that I disagree, with all due respect to my friend, about this notion of doing it before the process has even begun. Let me go back to where we were.

Mr. DICKS. But there is a lack of trust here, because if we can't get an agreement which the leadership on both sides embrace, then there is no reason, not to restrict the number of amendments, because there is an element within the gentleman's party that wants to offer unlimited amendments.

Mr. DREIER. As happened in 1997, we can go upstairs in the Rules Committee if we have recalcitrant Members on either side of the aisle and we can shut down the process, and there would not be the kind of resistance, if we had at least tried the open amendment process.

I thank my friend for yielding.

Mr. DICKS. Again, all I am saying is we got our work done. All 12 of these bills will have been enacted before the August recess. This hasn't happened in years. I wish that we could have had an open process, but when the minority is talking about 600 amendments, on the defense bill there is no choice but to limit the number of amendments. We had to limit it in order to get our work done.

Mr. DREIER. Mr. Speaker, I would like to inquire of my Rules Committee colleague if he has any further speakers.

Mr. POLIS. Not at this point, no.

Mr. DREIER. Is the gentleman then prepared to close if I were to close?

Mr. POLIS. Yes.

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Let me just say that it is very sad that we are at this point now, the completion of the appropriations process. My friend just referred to the term as we talked about best practices and working together, ''precedents.'' Well, the sad thing, with the 12th appropriation bill, if we pass this rule, we have set the precedent for the entire appropriations process. All 12 appropriations bills have been considered under restrictive rule, if we in fact proceed with this.

In fact, I have just been given an amendment to this rule, Mr. Speaker, that will even shut the process down even further, denying Members an opportunity to divide the question on the very few amendments that have been made in order.

So, this notion that we somehow have this outside time limit, and my very good friend from Seattle, Mr. DICKS, with whom I have been privileged to work on a wide range of issues in the past, talked about the fact that all these amendments have been filed, in 1995 when my colleagues on the other side went into the minority, there was an additional 26 hours, 26 additional hours spent on the debate on the appropriations bills than was the case when my party went into the minority in 2007.

So this notion that somehow all of these amendments would be offered is just plain wrong. Why? Because if you are going to close down the process or have a modified open rule, the notion of having every amendment possible considered is the only option that we have.

Mr. Speaker, I am standing here in the name of my Oregon colleague, Mr. BLUMENAUER. He had two amendments that he sought to have made in order. If we had had an open amendment process, my colleague, Mr. BLUMENAUER, with whom I was able to engage in this colloquy a little, would have had his amendments made in order.

He talked about the tension being high. Well, the tension is high, Mr. Speaker, and it is not just around the issue of health care. It is around the fact that 220 years ago this very summer, James Madison, a member of the

House Rules Committee, moved at the encouragement of his constituents the Bill of Rights with 10 days of debate through the House of Representatives. And through the 220-year history of the United States of America, Democrats and Republicans alike, representing what now is about 650,000 to 700,000 American, have had the right to stand up on the House floor and offer germane amendments to appropriations bill.

I use the term ''sacrosanct'' to describe the appropriations process on the House floor. I never believed, and I have not been here as long as the 39 years of my good friend, Mr. YOUNG, but I never believed, Mr. Speaker, that I would see us get to the point where Republicans and Democrats alike would be shut out of the process, which is exactly what has happened here.

In ''A New Direction for America'' that was penned by Ms. PELOSI when they were seeking the majority, they had a very, very interesting line. It said: ''Democrats believe that America needs and Americans deserve a new direction that provides opportunity for all.''

''Opportunity for all'' is what they said was going to be the hallmark. Apparently it is opportunity for all, except for rank-and-file Members of the United States House of Representatives, because the elected Representatives of both parties are being denied an opportunity to put forward their great ideas.

And since we have crossed this $1 trillion spending mark for the deficit in the first 6 months, and it is projected to go to $1.8 trillion by the end of this year, it is obvious that this process has been used to cherry-pick amendments and deny Democrats and Republicans who would like to engage in fiscally responsible policies from being able to do that.

So, Mr. Speaker, I am going to move to defeat the previous question; and if the previous question is defeated, I will offer an amendment to the rule providing for the traditional open rule for appropriations bills, again giving us this one last opportunity to do that, and we will have the opportunity to return to our traditions, to honor the vision of the Framers of our Constitution.

Mr. Speaker, I ask unanimous consent that the text of the amendment, along with the explanatory material, be placed in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

Mr. DREIER. Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question, and if by chance the previous question does prevail, to oppose this rule so we can get back to the Madisonian vision of representative democracy.

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

The SPEAKER pro tempore. The gentleman from California's time has expired.

The gentleman from Colorado has 13½ minutes remaining.

Mr. POLIS. Mr. Speaker, I would like to thank Chairman MURTHA and Ranking Member YOUNG for their and their staff's hard work on bringing this bill to the floor, as well as for offering an amendment to strike the funding for continued procurement of F–22 aircraft.

I particularly would like to thank President Obama and Secretary Gates for their leadership on this important issue, for targeting the elimination of unnecessary weapons systems and aircraft. It is not in the American people's best interests to pay Lockheed Martin $369 million of taxpayer money to add dozens of aircraft when we already have a fully functioning fleet of 187 F–22s currently operated by the Armed Forces.

This victory is an important first step in eliminating cold war-era weapons systems and questioning the relevance of aircraft and security systems that are an inadequate defense against the 21st-century national security threats we face and an important step in moving towards balancing the budget and fiscal responsibility.

I also strongly support provisions in the legislation that prohibit the establishment of permanent bases in Iraq and Afghanistan, require the Secretary of Defense to provide goals and a timeline for withdrawing our troops from Iraq, and restate the United States commitment to prohibiting torture of detainees currently held in U.S. custody.

This is just the beginning of President Obama's efforts to bring our troops home safely, and I look forward to the time when stop-loss and troop surges are a thing of the past.

Although I strongly support withdrawing our troops from both Iraq and Afghanistan as soon as possible, until we do so I believe it is crucial to provide support to our servicemen and servicewomen in harm's way and those returning home to their families.

This legislation also provides $29.9 billion to guarantee that our troops have the best medical care made available to them. Included in the Defense appropriation is over $2 billion for funding of medical research and developing treatment for diseases, including breast cancer research, prostate cancer, ovarian cancer and spinal cord injuries, research for applications that have much wider applications outside of defense.

The Defense appropriation also funds important technology research, providing funding for research that keeps the United States on the cusp of innovation for important civilian applications. Funding for this legislation will advance lithium ion battery technology, energy storage that is a linchpin of making renewable energy like wind and solar viable and cost-effective.

Installing photovoltaic panels on military installations saves our military money and ensures that no matter where in the world our troops stand in harm's way, they can quickly access the infrastructure of the modern world. This technology also has the effect of reducing costs for Americans to use these technologies in their homes by driving scale.

This legislation also funds a robust, small business innovation program. Small businesses receive capital to develop technologies to keep our country safe, while providing high-wage employment and bolstering local economies.

These innovations also have direct civilian applications. Many of the technologies we enjoy in our daily lives, like global positioning systems to microwave ovens, we often take for granted; but they have been developed and researched as part of a DOD effort.

Mr. Speaker, this bill provides critical funding for our national defense, as well as funding for civilian activities. Among these activities are those in support of small business and workforce development.

In Colorado, many small businesses rely on the SBIR program of the Department of Defense, such as TechX, which provides critical software innovations to the Department of Defense while providing high-paying jobs to my constituents.

This bill also provides funds for programs such as the Center for Space Entrepreneurship, a program that is a collaboration between the educational institutions, the Colorado Office of Economic Development, and the leadership efforts of our Lieutenant Governor, Barbara O'Brien. This program incubates aerospace industry's small businesses. It also helps individuals transition into careers in this industry.

Among their most important work is the outreach they do in schools to ensure that the next generation has an interest in and the skills to ensure that our Nation remains a world leader in space industry.

The satellites and spacecraft developed and manufactured by Colorado's thriving aerospace industry are not only of tremendous economic benefit to our State, which is one of several reasons we have an unemployment rate below the national average; but also this equipment keeps our Nation safe, and many of the satellites provide civilian applications, such as the DISH television, GPS service for our cars, and reception for our cellular phones.

While H.R. 3326 provides top-of-the-line equipment and technologies for our troops, these dollars would be hollow without the bravery, dedication, and skill of the men and women who serve us every day in our Armed Forces.

□ 1245

Their service wouldn't be possible if it weren't for the support, dedication and sacrifice of military families that receive support from this bill.

Mr. Speaker, in a moment I will be offering an amendment to the rule. I want to briefly explain the amendment. This amendment will add to the rule a technical provision that's included as boilerplate language in virtually all of our rules for both appropriating and authorizing legislation but was inadvertently dropped from this rule. This language simply protects amendments from a division of the question.

I urge all Members to vote ''yes'' on the amendment, the rule and the previous question.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Speaker, I have an amendment to the rule at the desk.

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

The Clerk read as follows:

Amendment offered by Mr. POLIS:

At the end of the resolution, add the following:

''SEC. 5. The amendments specified in the first section of this resolution shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.''

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

AMENDMENT TO H. RES. 685

OFFERED BY MR. DREIER OF CALIFORNIA

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

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense 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 from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the amendment and on the resolution and, under clause 8 of rule XX, on suspending the rules and passing S. 1513.

The vote was taken by electronic device, and there were—yeas 245, nays 176, not voting 12, as follows:

[Roll No. 654]

YEAS—245

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
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
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
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
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
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, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
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
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Aderholt
Boehner
Bonner
Bright
Davis (AL)
Gerlach
Lance
McCarthy (NY)
Meeks (NY)
Rogers (AL)
Towns
Walz

□ 1309

Messrs. COFFMAN of Colorado, BRADY of Texas, MITCHELL and KRATOVIL and Mrs. BONO MACK changed their vote from ''yea'' to ''nay.''

Mr. HOEKSTRA changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. LANCE. Mr. Speaker, on rollcall No. 654, had I been present, I would have voted "nay."

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 241, nays 185, not voting 7, as follows:

[Roll No. 655]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
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
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
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)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
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
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
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
Stark
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Barrett (SC)
Bonner
Gerlach
McCarthy (NY)
Pence
Towns
Walz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1318

Mr. BOEHNER changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

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

The Clerk read as follows:

H. RES. 690

Whereas page 5 of the ''Regulations on the Use of the CONGRESSIONAL FRANK By

Members of the House of Representatives'' states, ''It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities and duties of the Congress of the United States. It is the intent of the Congress that such official business, activities and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.'';

Whereas clause 5 of rule XXIV of the Rules of the House of Representatives provides, ''Before making a mass mailing, a Member, Delegate, or Resident Commissioner shall submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with applicable provisions of law, rule, or regulation.'';

Whereas the House Commission on Congressional Mailing Standards, authorized in Public Law 91–191, is commonly referred to as the ''Franking Commission'';

Whereas the Democratic staff director and Republican staff director of the Franking Commission have served in their respective positions for more than a decade and report to the Democratic and Republican members of the Franking Commission, respectively;

Whereas during the 111th Congress the members of the Franking Commission are Representatives Susan Davis (D–CA), chairwoman; Rep. Dan Lungren (R–CA), ranking Republican member; Rep. Donna Edwards (D–MD), Rep. Kevin McCarthy (R–CA), Rep. Brad Sherman (D–CA) and Rep. Tom Price (R–GA);

Whereas the aforementioned Franking Commission advisory opinions required for Members seeking approval to send mass mailings, or their electronic equivalents, are routinely signed on behalf of the Commission by its Democratic and Republican staff directors or their designees;

Whereas no Member may receive Franking Commission approval without signatures from both majority and minority staff;

Whereas the Commission's Democratic staff director has been permitted by the Commission's Democratic Members to abuse her position during the current Congress by willfully and knowingly applying different standards to material submitted for Franking Commission approval by Republican Members than she applies to material submitted by Democratic Members;

Whereas on July 27, 2009 the Commission's Democratic staff director refused to approve a mailing proposed by Representative Joe Barton of Texas which included the words ''Democrat majority'', but indicated she would approve the mailing if Representative Barton instead substituted the words ''congressional majority'', yet on August 3, 2006 the same Democratic staff director signed a Franking Commission approval document for a mailing issued by then-Minority Leader Nancy Pelosi that included the following sentence, ''But too many here and across our nation are paying the price for the Republican Congressional majority's special interest agenda . . .''

Whereas the Democratic staff director has refused to grant permission to Republican Members wishing to provide their constituents with copies of a chart intended to illustrate in graphic form many of the provisions of the Democrats' proposed health care legislation;

Whereas charts similar in form and general purpose have for many years been approved routinely by the Commission's Democratic staff director in mailings produced by Members on both sides of the aisle;

Whereas on December 12, 1993, the Franking Commission granted approval to Rep. David Levy of New York to disseminate a similar chart, intended to illustrate graphically the provisions of comprehensive health care legislation proposed by the Clinton Administration;

Whereas the Commission's Democratic staff director has refused to approve requests by Republican Members to informally characterize certain features of the Democrats' pending health care proposal as ''government run health care'' but has approved requests by Democratic Members to informally characterize the same aspects of the bill as ''the public option'';

Whereas the Commission's Democratic staff director has refused to approve more than twenty requests by Republican Members to use the phrase ''cap and tax'' to describe a Democratic proposal to reduce carbon emissions by imposing new fees, taxes and higher costs on American consumers and businesses;

Whereas a search for the term ''cap and tax'' on the Google internet search engine yielded at least 4,478,000 appearances of this commonly used phrase;

Whereas an article in the April 27, 2009 edition of ''Politico'' newspaper quoted the most senior Member of the House, Democratic Representative John Dingell of Michigan, the former chairman of the House Committee on Energy and Commerce, as saying, ''Nobody in this country realizes that cap and trade is a tax, and it's a great big one.'';

Whereas the Commission's Democratic staff director has dismissed the proposed descriptive term, ''cap and tax'' as an informal and inappropriate characterization of the legislation, while at the same time granting approval to Democratic Members seeking to use the phrase ''cap and trade'' to informally and inappropriately characterize the same bill;

Whereas the Commission's Democratic staff director has refused to approve material submitted by Republican Members seeking to convey to the public those Members' concern about substantial job losses expected to result if the Democrats' proposed national energy tax is enacted, while at the same time approving mailings submitted by Democratic Members informing the public about large numbers of new jobs the Democrats claim will be created by the same legislation;

Whereas the Democratic staff director's actions have prompted a steady stream of media reports describing a climate of partisan censorship imposed on the House by the Democratic majority;

Whereas an article in the July 23, 2009 edition of Roll Call newspaper stated, ''A dispute over the right of House Republicans to use the chamber's official franking service to send a mailer critical of Democratic health care plans has escalated beyond the Franking Commission to 'high levels on the Democratic side,' Franking Commission member Rep. Dan Lungren (R–CA) said at a Thursday press conference. Asked whether he believed the matter had been referred to Rep. Pelosis (D–CA) office, Lungren, the ranking member of the House Administration Committee, said, 'All I've been told is that its above the Franking Commission and that it appears to be above our committee, so I don't know where you go after that'.'';

Whereas by permitting the Commission's Democratic staff director to carry out her duties in a partisan and unfair manner, the Democratic Members of the Franking Commission have brought discredit on the House; and,

Whereas clause 1 of rule XXIII of the Rules of the House of Representatives, also known as the Code of Official Conduct, provides ''A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House'': Now, therefore, be it

Resolved, That the House views with disapproval the failure of the Democratic Members of the Franking Commission to ensure that the Commission's Democratic staff carries out its important responsibilities in a professional, fair, and impartial manner.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE

Mr. HOYER. Mr. Speaker, I move that the resolution be laid on the table.

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

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

Mr. BOEHNER. 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 the motion to table will be followed by a 5-minute vote on the motion to suspend the rules on S. 1513.

The vote was taken by electronic device, and there were—yeas 244, nays 173, answered ''present'' 11, not voting 5, as follows:

[Roll No. 656]

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)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján

Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
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
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—173

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
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
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
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)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
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)

ANSWERED ''PRESENT''—11

Butterfield
Castor (FL)
Chandler
Conaway
Davis (CA)
Dent
Edwards (MD)
Harper
Lofgren, Zoe
Sherman
Welch

NOT VOTING—5

Barrett (SC)
Bonner
Gerlach
McCarthy (NY)
Watson

□ 1347

Mr. KUCINICH changed his vote from ''yea'' to ''nay.''

Mr. BRIGHT changed his vote from ''nay'' to ''yea.''

Mr. CHANDLER, Ms. CASTOR of Florida and Mr. WELCH changed their vote from ''yea'' to ''present.''

Mr. HARPER changed his vote from ''nay'' to ''present.''

Mr. LATHAM changed his vote from ''present'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS ADMINISTRATION EXTENSION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, S. 1513.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 1513.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

CONGRATULATING CONTINENTAL AIRLINES ON ITS 75TH ANNIVERSARY

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 631) congratulating Continental Airlines on its 75th Anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

5H. RES. 631

Whereas Continental Airlines was founded 75 years ago by Walter T. Varney and his partner Louis Mueller as Varney Speed Lines in West Texas primarily as a mail service;

Whereas, on July 15, 1934, Continental's first flight was flown by its precursor Varney Speed Lines on a 530-mile route from Pueblo, Colorado to El Paso, Texas with stops in Las Vegas, Santa Fe and Albuquerque, New Mexico;

Whereas during World War II, Continental Airlines built the Denver Modification Center where it modified B–17 Flying Fortresses and B–29 Super Fortresses for the United States war effort;

Whereas during the Vietnam War, Continental transported United States troops across the Pacific and as a result of this experience, in 1968 Continental formed Air Micronesia—the first step towards global airlines;

Whereas in 1999, Continental named the first woman in the Nation to head a major commercial airline pilot group;

Whereas, on October 11, 2000, Continental Airlines and Northwest Airlines launched the world's largest interline eTicket network;

Whereas in 2001, Continental Airlines was again named ''Airline of the Year'' by the aviation industry's monthly trade publication, Air Transport World. As recipient of the same honor in 1996, Continental became the first airline to receive the coveted ''Airline of the Year'' distinction twice in five years;

Whereas following the terrorist attacks on September 11, 2001, Continental offered special compassion fares to and from the New York area to assist family members of the 9/11 victims, relief organizations and volunteers;

Whereas, on April 26, 2002, Continental was recognized for offering the best Elite Level Program, OnePass, of any United States airline, according to Inside Flyer's 14th Annual Freddie Awards Competition;

Whereas, on September 29, 2003, Continental became the first airline to offer three of the most popular business applications, two-way e-mail, instant messaging and text messaging, on its fleet of 737, 757, and MD 80 aircraft;

Whereas, on February 7, 2005, Continental was named for the eighth consecutive year to HISPANIC Magazine's ''Hispanic Corporate 100: One Hundred Companies Providing the Most Opportunities for Hispanics'';

Whereas, on April 28, 2005, Continental received honors for companywide excellence in Aviation Maintenance Training from the Federal Aviation Administration. Continental earned the FAA Diamond Certificate of Excellence for Aviation Maintenance Training, the highest award offered as part of the organization's Aviation Maintenance Technician Award Program;

Whereas, on June 29, 2006, Continental ranked the highest in Customer Satisfaction among Traditional Network Carriers in North America in the J.D. Power and Associates 2006 Airline Satisfaction Index Study marking Continental's sixth customer satisfaction award by J.D. Power and Associates since 1996;

Whereas for the 10th consecutive year, Continental outranked all of its United States competitors in international business class and domestic first class service, according to the results of a survey of Conde Nast Traveler readers published in the magazine's October 2007 edition;

Whereas in 2007, Continental Airlines teamed with the Transportation Security Administration to be the first United States carrier to launch a paperless boarding pass pilot program that allows passengers to receive boarding passes electronically on their cell phones or PDAs;

Whereas in April 2008, Continental Airlines received an award from the United States

Environmental Protection Agency's Design for the Environment Program in recognition of the airline's use of an environmentally friendly, nonchromium surface pretreatment for its aircraft. Continental was the first commercial air carrier to use this technology on its aircraft;

Whereas for the fifth consecutive year, Continental was named the ''Best Airline in North America'' at the 2008 OAG Airline of the Year Awards;

Whereas for the sixth consecutive year, Continental was rated the top airline on FORTUNE magazine's annual airline industry list of World's Most Admired Companies in March 2009; and

Whereas Continental Airlines currently services five continents with more than 2750 daily flights and more than 260 destinations today, employing more than 43,000 men and women: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 75th anniversary of operations by Continental Airlines; and

(2) congratulates the employees of Continental Airlines for the numerous awards and accolades they have earned for the company over the years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GENE GREEN).

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. GENE GREEN of Texas. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 631, which congratulates Continental Airlines for their 75th anniversary.

Once known as the ''proud bird with the golden tail,'' Continental Airlines was founded 75 years ago this July by Walter T. Varney and his partner, Louis Mueller, as Varney Speed Lines in West Texas. While Varney Speed Lines was primarily a mail service, their first flight on July 15, 1934, was a 530-mile route from Pueblo, Colorado, to El Paso, Texas, with stops in Las Vegas, Santa Fe and Albuquerque, New Mexico.

In 1937, the company's name changed to Continental Airlines, and they moved their headquarters to Denver, Colorado, where, just a few years later, during World War II, they built the Denver Modification Center where they modified B–17 Flying Fortresses and B–29 Super Fortresses for the U.S. war effort. Continental also assisted our military during the Vietnam War by transporting American troops across the Pacific Ocean.

The company's dedication to our country was again illustrated when, following the terrorist attacks on September 11, Continental offered special compassion fares to and from the New York area to assist family members of the 9/11 victims, relief organizations and volunteers.

Throughout all of this, Continental Airlines experienced tremendous success, and it has emerged from extreme difficulties during its 75-year history to become the fifth-largest carrier in the United States and the 11th-largest in the world. With more than 43,000 employees, Continental has hubs in New York, Houston, Cleveland, and Guam. Together with its regional partners, it carries approximately 67 million passengers each year.

Flying the newest, most fuel-efficient jet fleet of all the major U.S. network carriers, Continental Airlines received an award in April 2008 from the U.S. Environmental Protection Agency's Design For the Environment program in recognition of the airline's pioneering and environmentally friendly aircraft equipment. But this is just one of several accolades that has been bestowed upon Continental during its 75 years.

Other awards include being rated the top airline for 6 consecutive years in Fortune magazine's annual airline industry list of the World's Most Admired Companies, outranking for 10 consecutive years all of the U.S. competitors in international business class and domestic first-class service, according to the results of a survey of Conde Nast Traveler readers. And for six times since 1996, it has ranked the highest in customer satisfaction among the traditional network carriers in North America, according to J.D. Power and Associates. These are just a few of the awards out of several.

The resolution recognizes the 75th anniversary of Continental Airlines, and it congratulates its employees for the numerous awards and accolades they've earned over the years. I am honored to represent many Continental employees in Houston, their home office, and I strongly encourage my colleagues to support this legislation.

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

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 631, which congratulates Continental Airlines on its 75th anniversary.

I want to commend Congressman GREEN for introducing the resolution. I am proud to be a Republican supporter of that. As one of three Texas-based airlines, with Continental in Houston, Texas, with Southwest in Dallas, Texas, and with American Airlines in Fort Worth, Texas, we're very proud of the airline industry in our State. We're very proud that Continental is celebrating its 75th anniversary. It is the embodiment of the American Dream.

As Congressman GREEN pointed out, it was established back in 1934 in West Texas, in El Paso. Over the last 75 years, it has evolved into one of the largest commercial airlines in the world. It serves 260 destinations with more than 2,700 flights on 5 continents. It has been named the best airline in North America. They employ over 43,000 men and women, some of whom work and live in my congressional district. I would like to recognize them for their accomplishment. I look forward to Continental's celebrating their 100th, their 125th and maybe even their 150th anniversary in the years ahead.

Again, I want to thank Mr. GREEN for bringing this resolution forward, and I would ask all of the Republicans on this side of the aisle to join me in supporting the resolution.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I would yield 2 minutes to the gentleman from Houston, Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, I want to thank my friend Mr. BARTON and also Mr. GREEN from Houston. We, all of us, in Texas take great pride in representing Continental Airlines. It's an extraordinary group of people, dynamic individuals who have created one of the best airlines in the Nation.

Even though they have been through bankruptcy twice, Mr. Speaker, they have shown what is one of the greatest attributes of what it means to be an American, which is how you conduct yourself when you pick yourself up, get back on your feet and get back to work. The people at Continental have emerged from bankruptcy as one of, again, the best airlines in the Nation. Their consumer satisfaction rating has always been among the very best in the Nation as well as their on-time status. They have, I think, set a gold standard for the Nation.

It's a source of great pride for me to represent the headquarters of Continental, and all of those fine people deserve the thanks of the Nation. Air travel is such an essential part of our Nation's economic vitality, and Continental Airlines has, time and again, shown that they are among the world's best airlines. Again, as I say, they have set the gold standard for the United States.

So I join with my colleagues. This is another example of how the whole Texas delegation works together, arm in arm. What's good for Texas, of course we understand, is good for America. We are immensely proud to be here to congratulate Continental because they represent all that's great about Texas, which means they represent all that's great about America.

Mr. GENE GREEN of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BARTON of Texas. May I inquire as to how much time I have remaining, Mr. Speaker? How much time do I have left?

The SPEAKER pro tempore. The gentleman has 17 minutes remaining.

Mr. BARTON of Texas. Whoa, a lot of time. Okay.

I want to yield 3 minutes to the gentleman from Woodland, Texas (Mr. BRADY).

□ 1400

Mr. BRADY of Texas. I thank Ranking Member BARTON.

Mr. Speaker, I rise today in support of House Resolution 631, which I sponsored with my good friend Congressman GENE GREEN of Texas, to congratulate Continental Airlines and its exceptional employees on the company's 75th anniversary this year.

Continental got started in 1934 in El Paso, Texas, going on to aid in the war efforts by working to expand its services domestically. Now headquartered in Houston, Texas, with hubs in Cleveland, Ohio, and Newark, New Jersey, Continental has grown to become the fifth largest carrier in the world, and in my mind, the best.

This followed one of the most successful business turnarounds in history after it restructured in the 1990s. Continental's impressive climb is a tribute to the outstanding leadership, dedicated employees, and excellent service to travelers.

Today, Continental remains a major employer in the Houston area and a valued airline. I hear often from satisfied travelers about the quality of the company's service and commonsense approach to operation. As a Million Mile traveler, I can personally attest to the quality and professionalism of the crew and staff of Continental Airlines, and I may add, a number of my neighbors are proud employees—pilots, attendants, managers—within the Continental system.

I ask my colleagues to join me today in congratulating Continental for its remarkable achievement and contributions to America.

Mr. BARTON of Texas. I yield 3 minutes to another gentleman from Houston, Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I, too, rise in support of this resolution. Along with my friends who have already spoken, we fly Continental every week. Sometimes there are up to 10 Members of Congress on the same flight either going back to Texas or coming from Houston to Reagan National. And I represent probably most of the Continental employees in the Houston area, since my district circles the airport; although, it doesn't include the airport. Something about redistricting, I believe, Mr. GREEN.

But be that as it may, great people, great airline. As my friend, Mr. BRADY, has mentioned, the employees are top-notch, from the flight attendants to the pilots, in the way they treat not only people who fly but the way they treat other people. And I commend Continental Airlines for their success over the years. It is the best airline.

Many years ago, they merged with a little bitty airline called Trans-Texas Airways, and I was one of those that wanted them to adopt the name Trans-Texas Airways after Continental merged with Trans-Texas. But they eliminated the ''Trans-Texas'' phrase and adopted the phrase ''Continental,'' which has served them much better because it is an intercontinental flying community and do a super job.

And I, too, commend the good work they've done and the tenacious employees that work, not only in the planes but on the ground, the mechanics, and the ramp crews. And so I congratulate them, and I appreciate my friend from Texas offering this resolution.

Mr. GENE GREEN of Texas. Mr. Speaker, I will continue to reserve.

Mr. BARTON of Texas. Mr. Speaker, let me simply say that I fly American more than I fly Continental, but I wish I could—having heard the glowing accolades, I do fly Continental some, and I wish they would serve the D/FW area more so I could fly them. I'm very proud of my American Airlines employees and my Southwest employees, but I'm also proud of the Continental employees that we have, and we do sincerely commend Continental and their workers and management for being the great airline that it is, and we wish them 75 years of future success in addition to congratulating them on 75 years of their past success.

With that, I yield back the balance of our time.

Mr. GENE GREEN of Texas. Mr. Speaker, I will be brief, and I want to thank my colleagues on the Republican side for coming to speak for the resolution.

Continental is like all of our airlines. It has problems, but they survived and they're going to grow, and we want to make sure they continue to do it, and that's why we recognize 75 years of success. And like my colleague said, the ranking member of Energy and Commerce, another 75 would be 150. It will be someone else here recognizing them for 150 years. I want to thank the employees of Continental for making it a great airline.

Mr. AL GREEN of Texas. Mr. Speaker, It is with great pleasure that I commend Continental Airlines on its 75th anniversary. I would also like to thank my colleague the Honorable GENE GREEN for introducing this resolution and I am honored to be a cosponsor. Continental Airlines is an outstanding company that has grown internationally without losing sight of the people they serve.

Since the founding of Continental Airlines, the company has consistently served the community. In July of 1934 the company Varney Speed Lines was created in West Texas by Walter T. Varney and Louis Mueller primarily as a mail service. During World War II, they built the Denver Modification Center in Houston, where workers modified B–17 Flying Fortresses and B–29 Super Fortresses to assist in the war effort. Today, Continental Airlines' main headquarters are in Houston and their main hub is located there as well at George Bush Intercontinental Airport.

Continental Airlines has also been a pacesetter in diversity among airlines. The company named Deborah McCoy the first woman in the Nation to head a major commercial airline pilot group in 1999. In 2005, Continental was ranked among HISPANIC Magazine's ''Hispanic Corporate 100: One Hundred Companies Providing the Most Opportunities for Hispanics'' for the eighth year in a row. Continental Airlines has also been named to the Corporate Diversity Honor Roll in Latin Business magazine

Continental has exemplified a dedication to customer service. Following the September 11th attacks, Continental offered special compassion fares to and from the New York area to assist family members of the September 11th victims, relief organizations and volunteers. Continental was the first airline to offer three of the most popular business applications on its fleet of 737, 757, and MD 80 aircraft: two-way e-mail, instant messaging and text messaging. The airline has also been awarded six Customer Satisfaction awards by J.D. Power and Associates since 1996.

Despite its global presence, Continental Airlines has maintained a personal relationship with its customers that is rivaled by many and surpassed by none. I would again like to congratulate Continental Airlines on 75 years of service and wish them many more years to come.

Mr. GENE GREEN of Texas. I yield back my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and agree to the resolution, H. Res. 631.

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

A motion to reconsider was laid on the table.

FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2749

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 ''Food Safety Enhancement Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Rules of construction.
Sec. 5. USDA exemptions.
Sec. 6. Alcohol-related facilities.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

Sec. 101. Changes in registration of food facilities.
Sec. 102. Hazard analysis, risk-based preventive controls, food safety plan, finished product test results from category 1 facilities.

Sec. 103. Performance standards.
Sec. 104. Safety standards for produce and certain other raw agricultural commodities.
Sec. 105. Risk-based inspection schedule.
Sec. 106. Access to records.
Sec. 107. Traceability of food.
Sec. 108. Reinspection and food recall fees applicable to facilities.
Sec. 109. Certification and accreditation.
Sec. 110. Testing by accredited laboratories.
Sec. 111. Notification, nondistribution, and recall of adulterated or misbranded food.
Sec. 112. Reportable food registry; exchange of information.
Sec. 113. Safe and secure food importation program.
Sec. 114. Infant formula.

Subtitle B—Intervention

Sec. 121. Surveillance.
Sec. 122. Public education and advisory system.
Sec. 123. Research.

Subtitle C—Response

Sec. 131. Procedures for seizure.
Sec. 132. Administrative detention.
Sec. 133. Authority to prohibit or restrict the movement of food.
Sec. 134. Criminal penalties.
Sec. 135. Civil penalties for violations relating to food.
Sec. 136. Improper import entry filings.

TITLE II—MISCELLANEOUS

Sec. 201. Food substances generally recognized as safe.
Sec. 202. Country of origin labeling.
Sec. 203. Exportation certificate program.
Sec. 204. Registration for commercial importers of food; fee.
Sec. 205. Registration for customs brokers.
Sec. 206. Unique identification number for food facilities, importers, and custom brokers.
Sec. 207. Prohibition against delaying, limiting, or refusing inspection.
Sec. 208. Dedicated foreign inspectorate.
Sec. 209. Plan and review of continued operation of field laboratories.
Sec. 210. False or misleading reporting to FDA.
Sec. 211. Subpoena authority.
Sec. 212. Whistleblower protections.
Sec. 213. Extraterritorial jurisdiction.
Sec. 214. Support for training institutes.
Sec. 215. Bisphenol A in food and beverage containers.
Sec. 216. Lead content labeling requirement for ceramic tableware and cookware.

SEC. 3. REFERENCES.

Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 4. RULES OF CONSTRUCTION.

(a) Nothing in this Act or the amendments made by this Act shall be construed to prohibit or limit—

(1) any cause of action under State law; or

(2) the introduction of evidence of compliance or noncompliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) Nothing in this Act or any amendment made by this Act shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;

(2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 5. USDA EXEMPTIONS.

(a) USDA-REGULATED PRODUCTS.—Food is exempt from the requirements of this Act to the extent that such food is regulated by the Secretary of Agriculture under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(b) LIVESTOCK AND POULTRY.—Livestock and poultry that are intended to be presented for slaughter pursuant to the regulations by the Secretary of Agriculture under the Federal Meat Inspection Act or the Poultry Products Inspection Act are exempt from the requirements of this Act. A cow, sheep, or goat that is used for the production of milk is exempt from the requirements of this Act.

(c) USDA-REGULATED FACILITIES.—A facility is exempt from the requirements of this Act to the extent such facility is regulated as an official establishment by the Secretary of Agriculture under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act or under a program recognized by the Secretary of Agriculture as at least equal to Federal regulation under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

(d) FARMS.—A farm is exempt from the requirements of this Act to the extent such farm raises animals from which food is derived that is regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

SEC. 6. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—With the exception of the amendments made by section 101(a) and (b) and section 113 of this Act, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the distributing of any non-alcohol food, except that subsection (a) shall apply to a facility described in paragraphs (1) and (2) of subsection (a) that receives and distributes non-alcohol food provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to exempt any food, apart from distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act and the amendments made by this Act.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

SEC. 101. CHANGES IN REGISTRATION OF FOOD FACILITIES.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If it was manufactured, processed, packed, or held in a facility that is not duly registered under section 415, including a facility whose registration is canceled or suspended under such section.''.

(b) ANNUAL REGISTRATION.—

(1) DEFINITION OF FACILITY.—Paragraph (1) of section 415(b) (21 U.S.C. 350d(b)) is amended to read as follows:

''(1)(A) The term 'facility' means any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer) that manufactures, processes, packs, or holds food.

''(B) Such term does not include farms; private residences of individuals; restaurants; other retail food establishments; nonprofit food establishments in which food is prepared for or served directly to the consumer; or fishing vessels (except such vessels engaged in processing as defined in section 123.3(k) of title 21, Code of Federal Regulations, or any successor regulations).

''(C)(i) The term 'retail food establishment' means an establishment that, as its primary function, sells food products (including those food products that it manufactures, processes, packs, or holds) directly to consumers (including by Internet or mail order).

''(ii) Such term includes—

''(I) grocery stores;

''(II) convenience stores;

''(III) vending machine locations; and

''(IV) stores that sell bagged feed, pet food, and feed ingredients or additives over-the-counter directly to consumers and final purchasers for their own personal animals.

''(iii) A retail food establishment's primary function is to sell food directly to consumers if the annual monetary value of sales of food products directly to consumers exceeds the annual monetary value of sales of food products to all other buyers.

''(D)(i) The term 'farm' means an operation in one general physical location devoted to the growing and harvesting of crops, the raising of animals (including seafood), or both.

''(ii) Such term includes—

''(I) such an operation that packs or holds food, provided that all food used in such activities is grown, raised, or consumed on such farm or another farm under the same ownership;

''(II) such an operation that manufactures or processes food, provided that all food used in such activities is consumed on such farm or another farm under the same ownership;

''(III) such an operation that sells food directly to consumers if the annual monetary value of sales of the food products from the farm or by an agent of the farm to consumers exceeds the annual monetary value of sales of the food products to all other buyers;

''(IV) such an operation that manufactures grains or other feed stuffs that are grown and harvested on such farm or another farm

under the same ownership and are distributed directly to 1 or more farms for consumption as food by humans or animals on such farm; and

''(V) a fishery, including a wild fishery, an aquaculture operation or bed, a fresh water fishery, and a saltwater fishery.

''(iii) Such term does not include such an operation that receives manufactured feed from another farm as described in clause (ii)(IV) if the receiving farm releases the feed to another farm or facility under different ownership.

''(iv) The term 'harvesting' includes washing, trimming of outer leaves of, and cooling produce.

''(E) The term 'consumer' does not include a business.''.

(2) REGISTRATION.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking ''require that'' and inserting ''require that, on or before December 31 of each year,''; and

(ii) by striking ''food for consumption in the United States'' and inserting ''food for consumption in the United States or for export from the United States'';

(B) in subparagraphs (A) and (B) of paragraph (1), by inserting ''and pay the registration fee required under section 743'' after ''submit a registration to the Secretary'' each place it appears;

(C) in the first sentence of paragraph (2), by inserting ''in electronic format'' after ''submit''; and

(D) in paragraph (4), by inserting after the first sentence the following: ''The Secretary shall remove from such list the name of any facility that fails to reregister in accordance with this section, that fails to pay the registration fee required under section 743, or whose registration is canceled by the registrant, canceled by the Secretary in accordance with this section, or suspended by the Secretary in accordance with this section.''.

(3) CONTENTS OF REGISTRATION.—Paragraph (2) of section 415(a) (21 U.S.C. 350d(a)), as amended by paragraph (1), is amended by striking ''containing information'' and all that follows and inserting the following: ''containing information that identifies the following:

''(A) The name, address, and emergency contact information of the facility being registered.

''(B) The primary purpose and business activity of the facility, including the dates of operation if the facility is seasonal.

''(C) The general food category (as defined by the Secretary by guidance) of each food manufactured, processed, packed, or held at the facility.

''(D) All trade names under which the facility conducts business related to food.

''(E) The name, address, and 24-hour emergency contact information of the United States distribution agent for the facility, which agent shall have access to the information required to be maintained under section 414(d) for food that is manufactured, processed, packed, or held at the facility.

''(F) If the facility is located outside of the United States, the name, address, and emergency contact information for a United States agent.

''(G) The unique facility identifier of the facility, as specified under section 1011.

''(H) Such additional information pertaining to the facility as the Secretary may require by regulation.

The registrant shall notify the Secretary of any change in the submitted information not later than 30 days after the date of such change, unless otherwise specified by the Secretary.''.

(4) SUSPENSION AND CANCELLATION AUTHORITY.—Section 415(a) (21 U.S.C. 350d(a)), as amended by paragraphs (1) and (2), is further amended by adding at the end the following:

''(5) SUSPENSION OF REGISTRATION.—

''(A) IN GENERAL.—The Secretary may suspend the registration of any facility registered under this section for a violation of this Act that could result in serious adverse health consequences or death to humans or animals.

''(B) NOTICE OF SUSPENSION.—Suspension of a registration shall be preceded by—

''(i) notice to the facility of the intent to suspend the registration; and

''(ii) an opportunity for an informal hearing, as defined in guidance or regulations issued by the Secretary, concerning the suspension of such registration for such facility.

''(C) REQUEST.—The owner, operator, or agent in charge of a facility whose registration is suspended may request that the Secretary vacate the suspension of registration when such owner, operator, or agent has corrected the violation that is the basis for such suspension.

''(D) VACATING OF SUSPENSION.—If, based on an inspection of the facility or other information, the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

''(6) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration if the Secretary determines that—

''(i) the registration was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information; or

''(ii) the required registration fee has not been paid within 30 days after the date due.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the facility of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the facility is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(7) REPORT TO CONGRESS.—Not later than March 30th of each year, the Secretary shall submit to the Congress a report, based on the registrations on or before December 31 of the previous year, on the following:

''(A) The number of facilities registered under this section.

''(B) The number of such facilities that are domestic.

''(C) The number of such facilities that are foreign.

''(D) The number of such facilities that are high-risk.

''(E) The number of such facilities that are low-risk.

''(F) The number of such facilities that hold food.

''(8) LIMITATION ON DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or cancel a registration shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs, the Principal Deputy Commissioner, the Associate Commissioner for Regulatory Affairs, or the Director for the Center for Food Safety and Applied Nutrition, of the Food and Drug Administration.''.

(c) REGISTRATION FEE.—Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end of subchapter C the following:

''PART 6—FEES RELATING TO FOOD

''SEC. 743. FACILITY REGISTRATION FEE.

''(a) IN GENERAL.—

''(1) ASSESSMENT AND COLLECTION.—Beginning in fiscal year 2010, the Secretary shall assess and collect an annual fee for the registration of a facility under section 415.

''(2) PAYABLE DATE.—A fee under this section shall be payable—

''(A) for a facility that was not registered under section 415 for the preceding fiscal year, on the date of registration; and

''(B) for any other facility—

''(i) for fiscal year 2010, not later than the sooner of 90 days after the date of the enactment of this part or December 31, 2009; and

''(ii) for a subsequent fiscal year, not later than December 31 of such fiscal year.

''(b) FEE AMOUNTS.—

''(1) IN GENERAL.—The registration fee under subsection (a) shall be—

''(A) for fiscal year 2010, $500; and

''(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under subsection (c).

''(2) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of fiscal year 2011 and each subsequent fiscal year, establish, for the next fiscal year, registration fees under subsection (a), as described in paragraph (1).

''(3) MAXIMUM AMOUNT.—Notwithstanding paragraph (1), a person who owns or operates multiple facilities for which a fee must be paid under this section for a fiscal year shall be liable for not more than $175,000 in aggregate fees under this section for such fiscal year.

''(c) INFLATION ADJUSTMENT.—For fiscal year 2011 and each subsequent fiscal year, the fee amount under subsection (b)(1) shall be adjusted by the Secretary by notice, published in the Federal Register, to reflect the greater of—

''(1) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(2) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(3) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

''(d) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2010 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for registration under section 415 at any time in such fiscal year.

''(3) ADJUSTMENT FACTOR.—In this subsection, the term 'adjustment factor' applicable to a fiscal year is the Consumer Price

Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2009.

''(e) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to defray the costs of food safety activities.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

''(4) PUBLIC MEETINGS.—For each fiscal year, the Secretary shall hold a public meeting on how fees collected under this section will be used to defray the costs of food safety activities in order to solicit the views of the regulated industry, consumers, and other interested stakeholders.

''(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(g) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in food safety activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(h) ANNUAL FISCAL REPORTS.—Beginning with fiscal year 2011, not later than 120 days after the end of each fiscal year for which fees are collected under this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

''(i) DEFINITIONS.—In this section:

''(1) The term 'costs of food safety activities' means the expenses incurred in connection with food safety activities for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

''(B) laboratory capacity;

''(C) management of information, and the acquisition, maintenance, and repair of technology resources;

''(D) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(E) collecting fees under this section and accounting for resources allocated for food safety activities.

''(2) The term 'food safety activities' means activities related to compliance by facilities registered under section 415 with the requirements of this Act relating to food (including research related to and the development of standards (such as performance standards and preventive controls), risk assessments, hazard analyses, inspection planning and inspections, third-party inspections, compliance review and enforcement, import review, information technology support, test development, product sampling, risk communication, and administrative detention).''.

(d) TRANSITIONAL PROVISIONS.—

(1) FEES.—The Secretary of Health and Human Services shall first impose the fee established under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), for fiscal years beginning with fiscal year 2010.

(2) MODIFICATION OF REGISTRATION FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall modify the registration form under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) to comply with the amendments made by this section.

(3) APPLICATION.—The amendments made by this section, other than subsections (b)(2) and (c), shall take effect on the date that is 30 days after the date on which such modified registration form takes effect, but not later than 210 days after the date of the enactment of this Act.

(4) SUNSET DATE.—Section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), does not authorize the assessment or collection of a fee for registration under section 415 of such Act (21 U.S.C. 360) occurring after fiscal year 2014.

SEC. 102. HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN, FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

(a) HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN.—

(1) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342) is amended by adding at the end the following:

''(j) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the requirements of sections 418 and 418A.''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—The owner, operator, or agent of a facility shall, in accordance with this section—

''(1) conduct a hazard analysis (or more than one if appropriate);

''(2) identify and implement effective preventive controls;

''(3) monitor preventive controls;

''(4) institute corrective actions when—

''(A) monitoring shows that preventive controls have not been properly implemented; or

''(B) monitoring and verification show that such controls were ineffective;

''(5) conduct verification activities;

''(6) maintain records of monitoring, corrective action, and verification; and

''(7) reanalyze for hazards.

''(b) IDENTIFICATION OF HAZARDS.—

''(1) IN GENERAL.—The owner, operator, or agent of a facility shall evaluate whether there are any hazards, including hazards due to the source of the ingredients, that are reasonably likely to occur in the absence of preventive controls that may affect the safety, wholesomeness, or sanitation of the food manufactured, processed, packed, transported, or held by the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, filth, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally or that may be unintentionally introduced.

''(2) IDENTIFIED BY THE SECRETARY.—The Secretary may, by regulation or guidance, identify hazards that are reasonably likely to occur in the absence of preventive controls.

''(3) HAZARD ANALYSIS.—The owner, operator, or agent of a facility shall identify and describe the hazards evaluated under paragraph (1) or identified under paragraph (2), to the extent applicable to the facility, in a hazard analysis.

''(c) PREVENTIVE CONTROLS.—

''(1) IN GENERAL.—The owner, operator, or agent of a facility shall identify and implement effective preventive controls to prevent, eliminate, or reduce to acceptable levels the occurrence of any hazards identified in the hazard analysis under subsection (b)(3).

''(2) IDENTIFIED BY THE SECRETARY.—

''(A) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive controls for specific product types to prevent unintentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive controls identified by the Secretary under this paragraph.

''(B) ALTERNATIVE CONTROLS.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive control to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative control effectively addresses the hazard, including meeting any applicable performance standard.

''(C) LIMITATION.—Subparagraph (B) shall not apply to any preventive control described in subparagraph (A), (B), or (E) of subsection (i)(2).

''(d) MONITORING.—The owner, operator, or agent of a facility shall monitor the implementation of preventive controls under subsection (c) to identify any circumstances in which the preventive controls are not fully implemented or verification shows that such controls were ineffective.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent of a facility shall establish and implement procedures to ensure that, if the preventive controls under subsection (c) are not fully implemented or are not found effective—

''(1) no affected product from such facility enters commerce; and

''(2) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure.

''(f) VERIFICATION.—The owner, operator, or agent of a facility shall ensure that—

''(1) the system of preventive controls identified under subsection (c) has been validated as scientifically and technically sound so that, if such system is implemented, the hazards identified in the hazard analysis under subsection (b)(3) will be prevented, eliminated, or reduced to an acceptable level;

''(2) the facility is conducting monitoring in accordance with subsection (d);

''(3) the facility is taking effective corrective actions under subsection (e); and

''(4) the preventive controls are effectively preventing, eliminating, or reducing to an

acceptable level the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means.

''(g) REQUIREMENT TO REANALYZE AND REVISE.—

''(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

''(A) review the evaluation under subsection (b) for the facility and, as necessary, revise the hazard analysis under subsection (b)(3) for the facility—

''(i) not less than every 2 years;

''(ii) if there is a change in the process or product that could affect the hazard analysis; and

''(iii) if the Secretary determines that it is appropriate to protect public health; and

''(B) whenever there is a change in the hazard analysis, revise the preventive controls under subsection (c) for the facility as necessary to ensure that all hazards that are reasonably likely to occur are prevented, eliminated, or reduced to an acceptable level, or document the basis for the conclusion that no such revision is needed.

''(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

''(h) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (a) through (g).

''(i) DEFINITIONS.—For purposes of this section:

''(1) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to be registered under section 415.

''(2) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, transporting, or holding of food would employ to prevent, eliminate, or reduce to an acceptable level the hazards identified in the hazard analysis under subsection (b)(3) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, transporting, or holding at the time of the analysis. Those procedures, practices, and processes shall include the following, as appropriate to the type of facility or food:

''(A) Sanitation procedures and practices.

''(B) Supervisor, manager, and employee hygiene training.

''(C) Process controls.

''(D) An allergen control program to minimize potential allergic reactions in humans from ingestion of, or contact with, human and animal food.

''(E) Good manufacturing practices.

''(F) Verification procedures, practices, and processes for suppliers and incoming ingredients, which may include onsite auditing of suppliers and testing of incoming ingredients.

''(G) Other procedures, practices, and processes established by the Secretary under subsection (c)(2).

''(3) HAZARD THAT IS REASONABLY LIKELY TO OCCUR.—A food safety hazard that is reasonably likely to occur is one for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish controls because experience, illness data, scientific reports, or other information provides a basis to conclude that there is a reasonable possibility that the hazard will occur in the type of food being manufactured, processed, packed, transported, or held in the absence of those controls.

''SEC. 418A. FOOD SAFETY PLAN.

''(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food safety plan (in this section referred to as a 'food safety plan').

''(b) CONTENTS.—The food safety plan shall include each of the following elements:

''(1) The hazard analysis and any reanalysis conducted under section 418.

''(2) A description of the preventive controls being implemented under subsection 418(c), including those to address hazards identified by the Secretary under subsection 418(b)(2).

''(3) A description of the procedures for monitoring preventive controls.

''(4) A description of the procedures for taking corrective actions.

''(5) A description of verification activities for the preventive controls, including validation that the system of controls, if implemented, will prevent, eliminate, or reduce to an acceptable level the identified hazards, review of monitoring and corrective action records, and procedures for determining whether the system of controls as implemented is effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including the use of environmental and product testing programs.

''(6) A description of the facility's recordkeeping procedures.

''(7) A description of the facility's procedures for the recall of articles of food, whether voluntarily or when required under section 422.

''(8) A description of the facility's procedures for tracing the distribution history of articles of food, whether voluntarily or when required under section 414.

''(9) A description of the facility's procedures to ensure a safe and secure supply chain for the ingredients or components used in making the food manufactured, processed, packed, transported, or held by such facility.

''(10) A description of the facility's procedures to implement the science-based performance standards issued under section 419.''.

(3) GUIDANCE OR REGULATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall issue guidance or promulgate regulations to establish science-based standards for conducting a hazard analysis, documenting hazards, identifying and implementing preventive controls, and documenting the implementation of the preventive controls, including verification and corrective actions under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2)).

(B) INTERNATIONAL STANDARDS.—In issuing guidance or regulations under subparagraph (A), the Secretary shall review international hazard analysis and preventive control standards that are in existence on the date of the enactment of this Act and relevant to such guidelines or regulations to ensure that the programs under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2) are consistent, to the extent the Secretary determines practicable and appropriate, with such standards.

(C) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section and the amendments made by this section with respect to facilities that are solely engaged in—

(i) the production of food for animals other than man or the storage of packaged foods that are not exposed to the environment; or

(ii) the storage of raw agricultural commodities for further distribution or processing.

(D) SMALL BUSINESSES.—The Secretary—

(i) shall consider the impact of any guidance or regulations under this section on small businesses; and

(ii) shall issue guidance to assist small businesses in complying with the requirements of this section and the amendments made by this section.

(4) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(5) CONSIDERATION.—When implementing sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2), the Secretary may take into account differences between food intended for human consumption and food intended for consumption by animals other than man.

(6) EFFECTIVE DATE.—

(A) GENERAL RULE.—The amendments made by subsection (a) and this subsection shall take effect 18 months after the date of the enactment of this Act.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A)—

(i) the amendments made by subsection (a) and this subsection shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of the enactment of this Act; and

(ii) the amendments made by subsection (a) and this subsection shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of the enactment of this Act.

(b) FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.—

(1) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by subsection (a), is amended by adding at the end the following:

''(k) If it is manufactured or processed in a facility that is in violation of section 418B.''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 418B. FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

''(a) AUTHORITY.—Beginning on the date specified in subsection (c), the Secretary shall require, after public notice and an opportunity for comment, the submission to the Secretary of finished product test results by the owner, operator, or agent of each category 1 facility subject to good manufacturing practices regulations documenting the presence of contaminants in food in the possession or control of such facility posing a risk of severe adverse health consequences or death.

''(b) CONSIDERATIONS.—The Secretary shall require submissions under subsection (a)—

''(1) as the Secretary determines feasible and appropriate; and

''(2) taking into consideration available data and information on the potential risks posed by the facility.

''(c) BEGINNING DATE.—The date specified in this subsection is the sooner of—

''(1) the date of completion of the pilot projects and feasibility study under subsections (d) and (e); and

''(2) the date that is 2 years after the date of the enactment of this section.

''(d) PILOT PROJECTS.—The Secretary shall conduct 2 or more pilot projects to evaluate the feasibility of collecting positive finished product testing results from category 1 facilities, including the value and feasibility of reporting corrective actions taken when positive finished product test results are reported to the Secretary.

''(e) FEASIBILITY STUDY.—The Secretary shall assess the feasibility and benefits of the reporting by facilities subject to good manufacturing practices regulations of appropriate finished product testing results from category 1 facilities to the Secretary, including the extent to which the collection of such finished product testing results will help the Secretary assess the risk presented by a facility or product category.

''(f) LIMITATIONS.—Nothing in this section shall be construed—

''(1) to require the Secretary to mandate testing or submission of test results that the Secretary determines would not provide useful information in assessing the potential risk presented by a facility or product category; or

''(2) to limit the Secretary's authority under any other provisions of law to require any person to provide access, or to submit information or test results, to the Secretary, including the ability of the Secretary to require field or other testing and to obtain test results in the course of an investigation of a potential food-borne illness or contamination incident.

''(g) DEFINITION.—In this section, the term 'category 1 facility' means a category 1 facility within the meaning of section 704(h).''.

(c) FOOD DEFENSE.—

(1) ADULTERATION.—Section 402(j), as added by subsection (a), is amended by striking ''and 418A'' and inserting '', 418A, or 418C''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 418C. FOOD DEFENSE.

''(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food defense plan (in this section referred to as a 'food defense plan').

''(b) CONTENTS.—The food defense plan shall include each of the following elements:

''(1) A food defense assessment to identify conditions and practices that may permit a hazard that may be intentionally introduced, including by an act of terrorism. This assessment shall evaluate processing security, cybersecurity, material security (including ingredients, finished product, and packaging), personnel security, storage security, shipping and receiving security, and utility security.

''(2) A description of the preventive measures being implemented as a result of such assessment to minimize the risk of intentional contamination.

''(3) A description of the procedures to check for and identify any circumstances in which the preventive measures are not fully implemented or were ineffective.

''(4) A description of the procedures for taking corrective actions to ensure that when preventive measures have not been properly implemented or have been ineffective, appropriate action is taken—

''(A) to reduce the likelihood of recurrence of the failure; and

''(B) to assess the consequences of the failure.

''(5) A description of evaluation activities for the preventive measures, including a review of records provided for under paragraph (6) and procedures to periodically test the effectiveness of the plan.

''(6) A description of the facility's recordkeeping procedures, including records documenting implementation of the procedures under paragraphs (3), (4), and (5).

''(c) HAZARD.—For purposes of this section, the term 'hazard that may be intentionally introduced, including by an act of terrorism' means a hazard for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish preventive measures because the hazard has been identified by a food defense assessment by application of—

''(1) a targeting assessment tool recommended by the Secretary by guidance; or

''(2) a comparable targeting assessment tool.

''(d) FOOD DEFENSE HAZARDS IDENTIFIED BY THE SECRETARY.—

''(1) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive measures for specific product types to prevent intentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive measures identified by the Secretary under this paragraph.

''(2) ALTERNATIVE MEASURES.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive measure to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative measure effectively addresses the hazard.

''(e) REQUIREMENT TO REASSESS AND REVISE.—

''(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

''(A) review the food defense assessment under subsection (b)(1) for the facility and, as necessary, revise the food defense assessment under subsection (b)(1) for the facility—

''(i) not less than every 2 years;

''(ii) if there is a change in the process or product that could affect the food defense assessment; and

''(iii) if the Secretary determines that it is appropriate to protect public health; and

''(B) whenever there is a change in the food defense assessment, revise the preventive measures under subsection (b)(2) for the facility as necessary to ensure that for all hazards identified, the risk is minimized, or document the basis for the conclusion that no such revision is needed.

''(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

''(f) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (b) and (e).

''(g) ACCESS TO PLAN.—

''(1) ON INSPECTION.—An officer or employee of the Secretary shall have access to the food defense plan of a facility under section 414(a) only if the Secretary, through an official who is the director of the district under this Act in which the facility is located or an official who is senior to such a director, provides notice under section 414(a)(1)(C).

''(2) NONDISCLOSURE.—A food defense plan, and any information derived from such a plan, shall be exempt from disclosure under section 552 of title 5, United States Code.''.

(3) PROHIBITION.—Section 301(j) (21 U.S.C. 331(j)) is amended by inserting after ''entitled to protection'' the following: ''or a food defense plan, or any information derived from such a plan, under section 418C''.

SEC. 103. PERFORMANCE STANDARDS.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by section 102, is amended by adding at the end the following:

''(l) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the standards issued under section 419.''.

(b) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 102(b), is further amended by adding at the end the following:

''SEC. 419. PERFORMANCE STANDARDS.

''(a) PERFORMANCE STANDARDS.—The Secretary shall, not less frequently than every 2 years, review and evaluate epidemiological data and other appropriate sources of information, including research under section 123 of the Food Safety Enhancement Act of 2009, to identify the most significant food-borne contaminants and the most significant resulting hazards. The Secretary shall issue, as soon as practicable, through guidance or by regulation, science-based performance standards (which may include action levels) applicable to foods or food classes, as appropriate, to minimize to an acceptable level, prevent, or eliminate the occurrence of such hazards. Such standards shall be applicable to foods and food classes. Notwithstanding the timelines set forth in this paragraph, the Secretary shall as appropriate establish such science-based performance standards for identified contaminants as necessary to protect the public health.

''(b) LIST OF CONTAMINANTS.—Following each review under subsection (a), the Secretary shall publish in the Federal Register a list of food-borne contaminants that have the greatest adverse impact on public health. In determining whether a particular food-borne contaminant should be added to such list, the Secretary shall consider the number and severity of illnesses and the number of deaths associated with the foods associated with such contaminants.

''(c) SAMPLING PROGRAM.—In conjunction with the establishment of a performance standard under this section, the Secretary may make recommendations to industry for conducting product sampling.

''(d) REVOCATION BY SECRETARY.—All performance standards of the Food and Drug Administration applicable to foods or food classes in effect on the date of the enactment of this section, or issued under this section, shall remain in effect until revised or revoked by the Secretary.''.

(c) REPORT TO CONGRESS.—The Secretary of Health and Human Services shall submit to the Congress by March 30th of the year following each review under section 419 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), a report on the results of such review and the Secretary's plans to address the significant food-borne hazards identified, or the basis for not addressing any significant food-borne hazards identified, including any resource limitations or limitations in data that preclude further action at that time.

SEC. 104. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by sections 102 and 103(a), is amended by adding at the end the following:

''(m) If it has been grown, harvested, processed, packed, sorted, transported, or held under conditions that do not meet the standards established under section 419A.''.

(b) STANDARDS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102(b) and 103(b), is amended by adding at the end the following:

''SEC. 419A. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

''(a) STANDARDS.—The Secretary, in coordination with the Secretary of Agriculture, shall establish by regulation scientific and risk-based food safety standards for the growing, harvesting, processing, packing, sorting, transporting, and holding of those types of raw agricultural commodities—

''(1) that are a fruit, vegetable, nut, or fungus; and

''(2) for which the Secretary has determined that such standards are reasonably necessary to minimize the risk of serious adverse health consequences or death to humans or animals.

''(b) CONTENTS.—The regulations under subsection (a)—

''(1) may set forth such procedures, processes, and practices as the Secretary determines to be reasonably necessary—

''(A) to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into raw agricultural commodities that are a fruit, vegetable, nut, or fungus; and

''(B) to provide reasonable assurances that such commodity is not adulterated under section 402;

''(2) may include, with respect to growing, harvesting, processing, packing, sorting, transporting, and storage operations, standards for safety as the Secretary determines to be reasonably necessary;

''(3) may include standards addressing manure use, water quality, employee hygiene, sanitation and animal control, and temperature controls, as the Secretary determines to be reasonably necessary;

''(4) may include standards for such other elements as the Secretary determines necessary to carry out subsection (a);

''(5) shall provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

''(6) may provide for coordination of education and enforcement activities;

''(7) shall take into consideration, consistent with ensuring enforceable public health protection, the impact on small-scale and diversified farms, and on wildlife habitat, conservation practices, watershed-protection efforts, and organic production methods;

''(8) may provide for coordination of education and training with other government agencies, universities, private entities, and others with experience working directly with farmers; and

''(9) may provide for recognition through guidance of other existing publicly available procedures, processes, and practices that the Secretary determines to be equivalent to those established under paragraph (1).

''(c) EDUCATION AND COMPLIANCE.—The Secretary shall coordinate with the Secretary of Agriculture to provide for effective implementation of education and compliance activities. The Secretary may contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.''.

(c) TIMING.—

(1) PROPOSED RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a proposed rule to carry out section 419A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(2) FINAL RULE.—Not later than 3 years after such date, the Secretary of Health and Human Services shall issue a final rule under such section.

(d) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(e) UPDATE EXISTING GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall update the guidance document entitled ''Guidance For Industry: Guide To Minimize Microbial Food Safety Hazards For Fresh Fruits And Vegetables'' (issued on October 26, 1998) in accordance with this section and the amendments made by this section.

SEC. 105. RISK-BASED INSPECTION SCHEDULE.

(a) IN GENERAL.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

''(h)(1) Each facility registered under section 415 shall be inspected—

''(A)(i) by one or more officers duly designated under section 702 or other statutory authority by the Secretary;

''(ii) for domestic facilities, by a Federal, State, or local official recognized by the Secretary under paragraph (2); or

''(iii) for foreign facilities, by an agency or a representative of a country that is recognized by the Secretary under paragraph (2); and

''(B) at a frequency determined pursuant to a risk-based schedule.

''(2) For purposes of paragraph (1)(A), the Secretary—

''(A) may recognize Federal, State, and local officials and agencies and representatives of foreign countries as meeting standards established by the Secretary for conducting inspections under this Act; and

''(B) may limit such recognition to inspections of specific commodities or food types.

''(3) The risk-based schedule under paragraph (1)(B) shall be implemented beginning not later than 18 months after the date of the enactment of this subsection.

''(4) Such risk-based schedule shall provide for a frequency of inspections commensurate with the risk presented by the facility and shall be based on the following categories and inspection frequencies:

''(A) CATEGORY 1.—A category 1 food facility is a high-risk facility that manufactures or processes food. The Secretary shall randomly inspect a category 1 food facility at least every 6 to 12 months.

''(B) CATEGORY 2.—A category 2 food facility is a low-risk facility that manufactures or processes food or a facility that packs or labels food. The Secretary shall randomly inspect a category 2 facility at least every 18 months to 3 years.

''(C) CATEGORY 3.—A category 3 food facility is a facility that holds food. The Secretary shall randomly inspect a category 3 facility at least every 5 years.

''(5) The Secretary—

''(A) may, by guidance, modify the types of food facilities within a category under paragraph (4);

''(B) may alter the inspection frequencies specified in paragraph (4) based on the need to respond to food-borne illness outbreaks and food recalls; and

''(C) may inspect a facility more frequently than the inspection frequency provided by paragraph (4);

''(D) beginning 6 months after submitting the report required by section 105(b)(2) of the Food Safety Enhancement Act of 2009, may—

''(i) publish in the Federal Register adjustments to the inspection frequencies specified in subparagraphs (B) and (C) of paragraph (4) for category 2 and category 3 food facilities, which adjustments shall be in accordance with the Secretary's recommendations in such report; and

''(ii) after such publication, implement the adjustments; and

''(E) except as provided in subparagraphs (B) and (C), may not alter the inspection frequency specified in paragraph (4)(A) for category 1 food facilities.

''(6) In determining the appropriate frequency of inspection, the Secretary shall consider—

''(A) the type of food manufactured, processed, packed, or held at the facility;

''(B) the compliance history of the facility;

''(C) whether the facility importing or offering for import into the United States food is certified by a qualified certifying entity in accordance with section 801(q); and

''(D) such other factors as the Secretary determines by guidance to be relevant to assessing the risk presented by the facility.

''(7) Before establishing or modifying the categorization under paragraph (4) of any food facility or type of food facility, the Secretary shall publish a notice of the proposed categorization in the Federal Register and provide a period of not less than 60 days for public comment on the proposed categorization.''.

(b) REPORTS ON RISK-BASED INSPECTIONS OF FOOD FACILITIES.—

(1) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing—

(A) the number of foreign and domestic facilities, by risk category, inspected under the risk-based inspection schedule established under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in the preceding fiscal year; and

(B) the costs of implementing the risk-based inspection schedule for the preceding 12 months.

(2) THIRD-YEAR REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing recommendations on the risk-based inspection schedule under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), including recommendations for adjustments to the timing of the schedule and other ways to improve the risk-based allocation of resources by the Food and Drug Administration. In making such recommendations, the Secretary shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods processed, stored, held, or transported in the category of facilities; and

(E) the overall record of compliance with food safety law among facilities in the category, including compliance with applicable performance standards and the frequency of recalls.

SEC. 106. ACCESS TO RECORDS.

(a) RECORDS ACCESS.—Subsection (a) of section 414 (21 U.S.C. 350c) is amended to read as follows:

''(a) RECORDS ACCESS.—

''(1) RECORDS ACCESS DURING AN INSPECTION.—

''(A) IN GENERAL.—Except as provided in paragraph (3), each person who manufactures, processes, packs, transports, distributes, receives, or holds an article of food in the United States or for import into the United States shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article bearing on whether the food may be adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A.

''(B) SCOPE OF RECORDS.—The requirement under subparagraph (A) applies to all records relating to the manufacture, processing, packing, transporting, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.

''(C) IMMEDIATE AVAILABILITY WITH NOTICE.—Records not required to be made available immediately on commencement of an inspection under subparagraph (A) shall nonetheless be made available immediately on commencement of such an inspection if, by a reasonable time before such inspection, the Secretary by letter to the person identifies the records to be made available during such inspection. Nothing in this subparagraph shall be construed as permitting a person to refuse to produce records required under and in accordance with subparagraph (A) due to failure of the Secretary to provide notice under this paragraph.

''(2) ADDITIONAL AUTHORITIES TO ACCESS RECORDS REMOTELY; SUBMISSION OF RECORDS TO THE SECRETARY.—

''(A) REMOTE ACCESS IN EMERGENCIES.—If the Secretary has a reasonable belief that an article of food presents a threat of serious adverse health consequences or death to humans or animals, the Secretary may require each person who manufactures, processes, packs, transports, distributes, receives, holds, or imports such article of food, or any article of food that the Secretary determines may be affected in a similar manner, to submit to the Secretary all records reasonably related to such article of food as soon as is reasonably practicable, after receiving written notice (including by notice served personally and outside normal business hours to an agent identified under subparagraph (E) or (F) of section 415(a)(2)) of such requirement.

''(B) REMOTE ACCESS TO RECORDS RELATED TO FOOD SAFETY PLANS.—With respect to a facility subject to section 418 and 418A, the Secretary may require the owner, operator, or agent of such facility to submit to the Secretary, as soon as reasonably practicable after receiving written notice of such requirement, the food safety plan, supporting information relied on by the facility to select the preventive controls to include in its food safety plan, and documentation of corrective actions, if any, taken under section 418(e) within the preceding 2 years.

''(C) ELECTRONIC SUBMISSION.—If the records required to be submitted to the Secretary under subparagraph (A) or (B) are available in electronic format, such records shall be submitted electronically unless the Secretary specifies otherwise in the notice under such subparagraph.

''(3) LIMITED RECORDS ACCESS ON FARMS.—

''(A) APPLICATION.—Paragraphs (1) and (2) do not apply with respect to farms, except as provided in this paragraph.

''(B) IN GENERAL.—A person who is the owner, operator, or agent of a farm (as defined in section 415) shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to an article of food produced, manufactured, processed, packed, or held on such farm as specified in paragraphs (1) and (2) if—

''(i) such article of food is a fruit, vegetable, nut, or fungus that is the subject of a standard issued under section 419A; or

''(ii) such article of food is the subject of an active investigation by the Secretary of a food borne illness outbreak and is not a grain or similarly handled commodity as defined in subsection (c)(4)(C)(ii).

''(C) RECORDS ACCESS ON FARMS PRIOR TO RULEMAKING.—

''(i) IN GENERAL.—As soon as practicable after the enactment of this paragraph, the Secretary shall, in coordination with the Secretary of Agriculture, identify 1 or more fruits, vegetables, nuts, or fungi for which the Secretary shall have access to records on farms. Such identification shall be made by guidance, following notice and public comment.

''(ii) IDENTIFICATION OF RAW AGRICULTURAL COMMODITIES.—The Secretary, in coordination with the Secretary of Agriculture, shall make the identification in clause (i), based on any past food borne illness outbreak attributed to the fruit, vegetable, nut, or fungus—

''(I) in the United States and the risk that a similar outbreak could occur again in the United States; or

''(II) in a foreign country and the risk that a similar outbreak could occur in the United States.

''(iii) DURATION OF AUTHORITY.—The authority to have access to records for a fruit, vegetable, nut, or fungus under this subparagraph shall begin on the date on which the Secretary identifies such fruit, vegetable, nut, or fungus under clause (i) and shall terminate on the effective date of a final rule issued by the Secretary under section 419A.

''(iv) SCOPE OF RECORDS ACCESS.—In the guidance under clause (i), and for the period specified in clause (iii), the Secretary, in coordination with the Secretary of Agriculture, shall determine the scope of the records to which the Secretary shall have access under this subparagraph.

''(D) RULE OF CONSTRUCTION.—This paragraph shall not be construed as limiting access to any records authorized under—

''(i) this Act or the Public Health Service Act, as in effect on the day before the date of the enactment of this paragraph; or

''(ii) regulations issued under such Acts on any date before the date of the enactment of this paragraph.''.

(b) REGULATIONS CONCERNING RECORDKEEPING.—

(1) AMENDMENT.—Subsection (b) of section 414 (21 U.S.C. 350c) is amended to read as follows:

''(b) REGULATIONS CONCERNING RECORDKEEPING.—The Secretary, in consultation and coordination, as appropriate, with other Federal departments and agencies with responsibilities for regulating food safety, shall by regulation establish requirements regarding the establishment and maintenance, for not longer than 3 years, of records by persons who manufacture, process, pack, transport, distribute, receive, or hold food in the United States or for import into the United States. The Secretary shall take into account the size of a business in promulgating regulations under this subsection. The Secretary shall consult with the Secretary of Agriculture in promulgating regulations with respect to farms under this subsection and shall take into account the nature of and impact on farms in promulgating such regulations. The only distribution records which may be required of restaurants under this subsection are those showing the restaurant's suppliers and subsequent distribution other than to consumers.''.

(2) APPLICATION.—The Secretary of Health and Human Services shall promulgate revised regulations to implement section 414(b) of the Federal Food, Drug, and Cosmetic Act, as amended by this subsection. Section 414(b) of the Federal Food, Drug, and Cosmetic Act and regulations thereunder, as in effect on the day before the date of the enactment of this Act, shall apply to acts and omissions occurring before the effective date of such revised regulations.

(c) CONFORMING AMENDMENTS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended—

(1) in the second sentence—

(A) by striking ''(excluding farms or restaurants)'' and inserting ''(excluding farms, except as provided in section 414(a)(3))'';

(B) by inserting ''receives,'' before ''holds'';

(C) by striking ''described in section 414'' and inserting ''described in or required under section 414''; and

(D) by striking ''when the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''bearing on whether such food is adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A''; and

(2) in the fourth sentence—

(A) by striking ''the preceding sentence'' and inserting ''either of the preceding two sentences''; and

(B) by inserting ''recipes for food,'' before ''financial data,''.

SEC. 107. TRACEABILITY OF FOOD.

(a) PROHIBITED ACT.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting '', the violation of any requirement of the food tracing system under section 414(c);'' before ''or the refusal to permit access to or verification or copying of any such required record''.

(b) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting ''or (4) the requirements of section 414 have not been complied with regarding such article,'' before ''then such article shall be refused admission''.

(c) PRODUCT TRACING FOR FOOD.—Section 414 (21 U.S.C. 350c), as amended by section 106, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) TRACING SYSTEM FOR FOOD.—

''(1) IN GENERAL.—The Secretary shall by regulation establish a tracing system for food that is located in the United States or is for import into the United States.

''(2) INFORMATION GATHERING.—

''(A) TRACING TECHNOLOGIES.—Before issuing a proposed regulation under this subsection, the Secretary shall—

''(i) identify technologies and methodologies for tracing the distribution history of a food that are, or may be, used by members of different sectors of the food industry, including technologies and methodologies to enable each person who produces, manufactures, processes, pack, transports, or holds a food to—

''(I) maintain the full pedigree of the origin and previous distribution history of the food;

''(II) link that history with the subsequent distribution of the food;

''(III) establish and maintain a system for tracing the food that is interoperable with the systems established and maintained by other such persons; and

''(IV) use a unique identifier for each facility owned or operated by such person for such purpose, as specified under section 1011; and

''(ii) to the extent practicable, assess—

''(I) the costs and benefits associated with the adoption and use of such technologies;

''(II) the feasibility of such technologies for different sectors of the food industry; and

''(III) whether such technologies are compatible with the requirements of this subsection.

''(B) PUBLIC MEETINGS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct not less than 2 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to provide input and information to the Secretary.

''(C) PILOT PROJECTS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct 1 or more pilot projects in coordination with 1 or more sectors of the food industry to explore and evaluate tracing systems for food. The Secretary shall coordinate with the Secretary of Agriculture in conducting pilot projects with respect to farms under this subsection.

''(3) REGULATION.—

''(A) IN GENERAL.—Taking into account information obtained through information gathering under paragraph (2), the Secretary shall issue regulations establishing a tracing system that enables the Secretary to identify each person who grows, produces, manufactures, processes, packs, transports, holds, or sells such food in as short a timeframe as practicable but no longer than 2 business days.

''(B) SCOPE OF REGULATION.—The Secretary may include in the regulations establishing a tracing system—

''(i) the establishment and maintenance of lot numbers;

''(ii) a standardized format for pedigree information; and

''(iii) the use of a common nomenclature for food.

''(C) COORDINATION REGARDING FARM IMPACT.—In issuing regulations under this paragraph that will impact farms, the Secretary—

''(i) shall coordinate with the Secretary of Agriculture; and

''(ii) take into account the nature of the impact of the regulations on farms.

''(4) EXEMPTIONS AND LIMITATIONS.—

''(A) DIRECT SALES BY FARMS.—Food is exempt from the requirements of this subsection if such food is—

''(i) produced on a farm; and

''(ii) sold by the owner, operator, or agent in charge of such farm directly to a consumer or to a restaurant or grocery store.

''(B) FISHING VESSELS.—Food is exempt from the requirements of this subsection if such food is produced through the use of a fishing vessel as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

''(C) GRAINS AND SIMILARLY HANDLED COMMODITIES.—

''(i) LIMITATION ON EXTENT OF TRACING.—In addition to the exemption under subparagraph (A), any tracing system established under this subsection with regard to any grain or similarly handled commodity shall be limited to enabling the Secretary to identify persons who received, processed, packed, transported, distributed, held, or sold the grain or similarly handled commodity from the initial warehouse operator that held the grain or similarly handled commodity for any period of time to the ultimate consumer.

''(ii) DEFINITIONS.—In this subparagraph:

''(I) The term 'grain or similarly handled commodity' means wheat, corn, grain sorghum, barley, oats, rice, wild rice, rye, soybeans, legumes, sugar cane, sugar beets, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, camelina, cottonseed, cocoa beans, grass hay, and honey. The term may include any other commodity as determined by the Secretary in coordination with the Secretary of Agriculture.

''(II) The term 'warehouse operator' has the meaning given that term in section 2 of the United States Warehouse Act (7 U.S.C. 241), except that the term also includes any person or entity that handles or stores agricultural products for other persons or entities or, in the case of a cooperative, handles or stores agricultural products for its members, as determined by the Secretary in coordination with the Secretary of Agriculture.

''(D) EXEMPTION OF OTHER FOODS.—The Secretary may by notice in the Federal Register exempt a food or a type of facility, farm, or restaurant from, or modify the requirements with respect to, the requirements of this subsection if the Secretary determines that a tracing system for such food or type of facility, farm, or restaurant is not necessary to protect the public health.

''(E) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—For a food or person covered by a limitation or exemption under subparagraph (B), (C), or (D), the Secretary shall require each person who produces, receives, manufactures, processes, packs, transports, distributes, or holds such food to maintain records to identify the immediate previous sources of such food and its ingredients and the immediate subsequent recipients of such food.

''(F) RECORDKEEPING BY RESTAURANTS AND GROCERY STORES.—For a food covered by an exemption under subparagraph (A), restaurants and grocery stores shall keep records documenting the farm that was the source of the food.

''(G) RECORDKEEPING BY FARMS.—For a food covered by an exemption under subparagraph (A), farms shall keep records, in electronic or non-electronic format, for at least 6 months documenting the restaurant or grocery store to which the food was sold.''.

SEC. 108. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

(a) IN GENERAL.—Part 6 of subchapter C of chapter VII (21 U.S.C. 371 et seq.), as added by section 101(c), is amended by adding at the end the following:

''SEC. 743A. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

''(a) IN GENERAL.—The Secretary shall assess and collect fees from each entity in a fiscal year—

''(1) that—

''(A) during such fiscal year commits a violation of any requirement of this Act relating to food, including any such requirement relating to good manufacturing practices; and

''(B) because of such violation, undergoes additional inspection by the Food and Drug Administration; or

''(2) during such fiscal year is subject to a food recall.

''(b) AMOUNT OF FEES.—The Secretary shall set the amount of the fees under this section to fully cover the costs of—

''(1) in the case of fees collected under subsection (a)(1), conducting the additional inspections referred to in such subsection; and

''(2) in the case of fees collected under subsection (a)(2), conducting food recall activities, including technical assistance, follow-up effectiveness checks, and public notifications, during the fiscal year involved.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to defray the costs referred to in subsection (b).

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

''(d) WAIVER.—The Secretary shall waive and, if applicable, refund the amount of any fee collected under this section from an entity as a result of a food recall that the Secretary determines was inappropriately ordered.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to additional inspections and food recall activities occurring after the date of the enactment of this Act.

SEC. 109. CERTIFICATION AND ACCREDITATION.

(a) MISBRANDING.—

(1) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by section 101(a), is amended by adding at the end the following:

''(aa) If it is part of a shipment offered for import into the United States and such shipment is in violation of section 801(q) (requiring a certification of compliance for certain food shipments).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to shipments offered for import on or after the date that is 3 years after the date of the enactment of this Act.

(b) CERTIFICATION OF COMPLIANCE FOR IMPORTS.—Chapter VIII (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(a), as amended by section 107(b), by inserting after the third sentence the following: ''If such article is food being imported or offered for import into the United States and is not in compliance with the requirement of subsection (q) (relating to certifications of compliance with this Act), then such article shall be refused admission.'';

(2) in the second sentence of section 801(b), by striking ''the fourth sentence'' and inserting ''the fifth sentence''; and

(3) by adding at the end of section 801 the following:

''(q) CERTIFICATIONS CONCERNING IMPORTED ARTICLES.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—The Secretary may require, as an additional condition of granting admission to an article of food being imported or offered for import into the United States, that a qualified certifying entity provide a certification that the article complies with requirements of this Act as specified by the Secretary if—

''(i) for food imported from a particular country, territory, or region, the Secretary finds, based on scientific, risk-based evidence, that the government controls in such country, territory, or region are inadequate to ensure that the article is safe and that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a);

''(ii) for a type of food for which there is scientific evidence that there is a particular risk associated with the food that presents a threat of serious adverse health consequences or death, the Secretary finds that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a); or

''(iii) for an article imported from a particular country or territory, there is an agreement between the Secretary and the government of such country or territory providing for such certification.

''(B) FORM OF CERTIFICATION.—A certification under subparagraph (A) may take the form of a statement that the article or the facility or farm that manufactured, processed, packed, held, grew, harvested, sorted, or transported the article, as the case may be, complies with requirements of this Act as specified by the Secretary, or any other form as the Secretary may specify, including a listing of certified facilities or other entities. The Secretary may require that the certification include additional information regarding compliance.

''(C) ADEQUATE GOVERNMENT CONTROLS.—

''(i) PROCESS.—Before requiring a certification under clause (ii) of subparagraph (A) with respect to a food, the Secretary shall establish a process by which a country or territory may demonstrate that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

''(ii) DEMONSTRATION.—The Secretary shall not require a certification under clause (ii) of subparagraph (A) for a food exported from a country or territory, if that country or territory has demonstrated, pursuant to the process established by the Secretary under clause (i), that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

''(D) NOTICE OF CANCELLATION OR SUSPENSION OF CERTIFICATION.—As a condition on acceptance of certifications from a qualified certifying entity, the Secretary shall require the qualified certifying entity to notify the Secretary whenever the qualified certifying entity cancels or suspends the certification of any facility or other entity included in a listing under subparagraph (B).

''(E) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The Secretary shall apply this paragraph consistently with United States obligations under international agreements.

''(2) QUALIFIED CERTIFYING ENTITY.—For purposes of this subsection, the term 'qualified certifying entity' means—

''(A) an agency or a representative of the government of the country from which the article originated, as designated by such government or the Secretary; or

''(B) an individual or entity determined by the Secretary or an accredited body recognized by the Secretary to be qualified to provide a certification under paragraph (1).

''(3) NO CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—The Secretary shall issue regulations to ensure that any qualified certifying entity and its auditors are free from conflicts of interest. In issuing these regulations, the Secretary may rely on or incorporate international certification standards.

''(B) REGULATIONS.—Such regulations shall require that—

''(i) the qualified certifying entity shall have a committee or management structure for safeguarding impartiality;

''(ii) conflict of interest policies for a qualified certifying entity and auditors acting for the qualified certifying entity shall be written;

''(iii) the qualified certifying entity shall not be owned, operated, or controlled by a producer, manufacturer, processor, packer, holder, supplier, or vendor of any article of the type it certifies;

''(iv) the qualified certifying entity shall not have any ownership or financial interest in any product, producer, manufacturer, processor, packer, holder, supplier or vendor of the type it certifies;

''(v) no auditor acting for the qualified certifying entity (or spouse or minor children) shall have any significant ownership or other financial interest regarding any product of the type it certifies;

''(vi) the qualified certifying entity shall—

''(I) obtain and maintain annual declarations from all personnel who may be directly involved in the performance of audits as to whether they do or do not have direct financial interests in any producer, manufacturer, processor, packer, holder, supplier, or vendor of foods, and a list of any such companies in which they do have financial interests or by which they were employed in the past year; and

''(II) when an auditor is assigned to audit a facility, require that individual to affirm that he or she has no financial interest in the company that owns or operates that facility and was not employed by that facility in the previous year;

''(vii) neither the qualified certifying entity nor any of its auditors acting for the qualified certifying entity shall participate in the production, manufacture, processing, packing, holding, promotion, or sale of any product of the type it certifies;

''(viii) neither the qualified certifying entity nor any of its auditors shall provide consultative services to any facility certified by the qualified certifying entity, or the owner, operator, or agent in charge of such a facility, unless the qualified certifying entity has procedures in place, approved by the Secretary, to ensure separation of functions between auditors providing consultative services and auditors providing certification services under this subsection;

''(ix) no auditors acting for the qualified certifying entity shall participate in an audit of a facility they were employed by within the last 12 months;

''(x) fees charged or accepted shall not be contingent or based upon the report made by the qualified certifying entity or any personnel involved in the audit process;

''(xi) neither the qualified certifying entity nor any of its auditors shall accept anything of value from anyone in connection with the facility being audited other than the audit fee;

''(xii) the qualified certifying entity shall not be owned, operated, or controlled by a trade association whose member companies operate facilities that it certifies;

''(xiii) the qualified certifying entity and its auditors shall be free from any other conflicts of interest that threaten impartiality;

''(xiv) the qualified certifying entity and its auditors shall sign a statement attesting to compliance with the conflict of interests requirements under this paragraph; and

''(xv) the qualified certifying entity shall ensure that any subcontractors that might be used (such as laboratories and sampling services) provide similar assurances, except that it shall not be a violation of this subsection to the extent such subcontractors perform additional nutritional testing services unrelated to the testing under this subsection.

''(C) DEFINITIONS.—In this paragraph:

''(i) The term 'anything of value' includes gifts, gratuities, reimbursement of non-audit-related expenses, entertainment, loans, or any other form of compensation in cash or in kind.

''(ii) The term 'direct financial interest' does not include any ownership of mutual funds that have a financial interest in a company.

''(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary shall—

''(A) require that, to the extent applicable, any certification provided by a qualified certifying entity be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification if the Secretary determines that such certification is no longer valid or reliable.

''(5) ON-SITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under this subsection, or whether to accept certifications from a qualified certifying entity, the Secretary may—

''(A) observe on-site audits of qualified certifying entities by such accreditation body; or

''(B) for any facility that is certified by a qualified certifying entity, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an on-site audit of the facility, which shall include access to, and copying and verification of, any related records.

''(6) ELECTRONIC SUBMISSION.—The Secretary shall provide, in coordination with the Commissioner responsible for Customs and Border Protection, for the electronic submission of certifications under this subsection.

''(7) NO LIMIT ON AUTHORITY.—This subsection shall not be construed to limit the authority of the Secretary to conduct random inspections of imported articles or facilities of importers, issue import alerts for detention without physical examination, require submission to the Secretary of documentation or other information about an article imported or offered for import, or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported articles.''.

SEC. 110. TESTING BY ACCREDITED LABORATORIES.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The violation of any requirement of section 714 (relating to testing by accredited laboratories).''.

(b) LABORATORY ACCREDITATION.—Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''SEC. 714. TESTING BY ACCREDITED LABORATORIES.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—Whenever analytical testing of an article of food is conducted as part of testimony for the purposes of section 801(a), or for such other purposes as the Secretary deems appropriate through regulation or guidance, such testing shall be conducted by a laboratory that—

''(A) is accredited, for the analytical method used, by a laboratory accreditation body that has been recognized by the Secretary; and

''(B) samples such article with adequate controls for ensuring the integrity of the samples analyzed.

''(2) INDEPENDENCE OF LABORATORY.—

''(A) CERTAIN TESTS.—Tests required for purposes of section 801(a) or in response to a finding of noncompliance by the Secretary shall be conducted by a laboratory independent of the person on whose behalf such testing is conducted and analyzed.

''(B) CERTAIN PRODUCTS.—The Secretary may require that testing for certain products under paragraph (1) be conducted by a laboratory independent of the person on whose behalf such testing is conducted.

''(b) RECOGNITION OF LABORATORY ACCREDITATION BODIES.—The Secretary shall establish and implement a program for the recognition, based on standards the Secretary deems appropriate, of laboratory accreditation bodies that accredit laboratories to perform analytical testing for the purposes of this section. The Secretary shall issue regulations or guidance to implement this program.

''(c) ONSITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under subsection (b), the Secretary may—

''(1) observe onsite audits of laboratories by such accreditation bodies; or

''(2) for any laboratory that is accredited by such accreditation body under this section, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an onsite audit of the laboratory, which shall include access to, and copying and verification of, any related records.

''(d) PUBLICATION OF LIST OF RECOGNIZED ACCREDITATION BODIES.—The Secretary shall publish and maintain on the public Web site of the Food and Drug Administration a list of accreditation bodies recognized by the Secretary under subsection (b).

''(e) NOTIFICATION OF ACCREDITATION OF LABORATORY.—An accreditation body that has been recognized pursuant to this section shall promptly notify the Secretary whenever it accredits a laboratory for the purposes of this section and whenever it withdraws or suspends such accreditation.

''(f) ADVANCE NOTICE.—Whenever analytical testing is conducted pursuant to subsection (a), the person on whose behalf the testing is conducted shall notify the Secretary before any sample of the article is collected. Such notice shall contain information the Secretary determines is appropriate to identify the article, the location of the article, and each laboratory that will analyze the sample on the person's behalf.

''(g) CONTENTS OF LABORATORY PACKAGES.—Whenever analytical testing is conducted pursuant to subsection (a), the laboratory conducting such testing shall submit, directly to the Secretary—

''(1) the results of all analyses conducted by the laboratory on each sample of such article; and

''(2) all information the Secretary deems appropriate to—

''(A) determine whether the laboratory is accredited by a recognized laboratory accreditation body;

''(B) identify the article tested;

''(C) evaluate the analytical results; and

''(D) determine whether the requirements of this section have been met.

''(h) EXIGENT CIRCUMSTANCES.—The Secretary may waive the requirement of subsection (a)(1)(A) (relating to analytical methods) on a laboratory or method basis due to exigent or other circumstances.

''(i) FEDERAL LABORATORY TESTING.—If Customs and Border Protection laboratory testing concludes that an article of food is adulterated or misbranded, the Secretary shall consider and utilize as appropriate the testing results issued by the Customs and Border Protection laboratories in making a decision about the admissibility of the product.

''(j) NO LIMIT ON AUTHORITY.—Nothing in this section shall be construed to limit—

''(1) the ability of the Secretary to review and act upon information from the analytical testing of food (including under this section), including determining the sufficiency of such information and testing; or

''(2) the authority of the Secretary to conduct, require, or consider the results of analytical testing pursuant to any other provision of law.''.

SEC. 111. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 110, is amended by adding at the end the following:

''(vv)(1) The failure to notify the Secretary in violation of section 420(a).

''(2) The failure to comply with any order issued under section 420.''.

(b) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, and 104, is amended by adding at the end the following:

''SEC. 420. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

''(a) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—

''(1) IN GENERAL.—A responsible party as that term is defined in section 417(a)(1) or a person required to register under section 801(s) that has reason to believe that an article of food when introduced into or while in interstate commerce, or while held for sale (regardless of whether the first sale) after shipment in interstate commerce, is adulterated or misbranded in a manner that presents a reasonable probability that the use or consumption of, or exposure to, the article (or an ingredient or component used in any such article) will cause a threat of serious adverse health consequences or death to humans or animals shall, as soon as practicable, notify the Secretary of the identity and location of the article.

''(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation or guidance.

''(b) VOLUNTARY RECALL.—The Secretary may request that any person who distributes an article of food that the Secretary has reason to believe is adulterated, misbranded, or otherwise in violation of this Act voluntarily—

''(1) recall such article; and

''(2) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

''(c) ORDER TO CEASE DISTRIBUTION.—If the Secretary has reason to believe that the use or consumption of, or exposure to, an article of food may cause serious adverse health consequences or death to humans or animals, the Secretary shall have the authority to issue an order requiring any person who distributes such article to immediately cease distribution of such article.

''(d) ACTION FOLLOWING ORDER.—Any person who is subject to an order under subsection (c) shall immediately cease distribution of such article and provide notification as required by such order, and may appeal within 24 hours of issuance such order to the Secretary. Such appeal may include a request for an informal hearing and a description of any efforts to recall such article undertaken voluntarily by the person, including after a request under subsection (b). Except as provided in subsection (f), an informal hearing shall be held as soon as practicable, but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended to require a recall of such article. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(e) ORDER TO RECALL.—

''(1) AMENDMENT.—Except as provided under subsection (f), if after providing an opportunity for an informal hearing under subsection (d), the Secretary determines that the order should be amended to include a recall of the article with respect to which the order was issued, the Secretary shall amend the order to require a recall.

''(2) CONTENTS.—An amended order under paragraph (1) shall—

''(A) specify a timetable in which the recall will occur;

''(B) require periodic reports to the Secretary describing the progress of the recall; and

''(C) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

In providing for such notice, the Secretary may allow for the assistance of health professionals, State or local officials, or other individuals designated by the Secretary.

''(3) NONDELEGATION.—An amended order under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

''(f) EMERGENCY RECALL ORDER.—

''(1) IN GENERAL.—If the Secretary has credible evidence or information that an article of food subject to an order under subsection (c) presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may issue an order requiring any person who distributes such article—

''(A) to immediately recall such article; and

''(B) to provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

''(2) ACTION FOLLOWING ORDER.—Any person who is subject to an emergency recall order under this subsection shall immediately recall such article and provide notification as required by such order, and may appeal within 24 hours after issuance such order to the Secretary. An informal hearing shall be held within as soon as practicable but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for

an informal hearing, the Secretary shall determine whether the order should be amended pursuant to subsection (e)(1). If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(3) NONDELEGATION.—An order under this subsection shall be issued by the Commissioner of Food and Drugs, the Principal Deputy Commissioner, or the Associate Commissioner for Regulatory Affairs of the Food and Drug Administration.

''(g) NOTICE TO CONSUMERS AND HEALTH OFFICIALS.—The Secretary shall, as the Secretary determines to be necessary, provide notice of a recall order under this section to consumers to whom the article was, or may have been, distributed and to appropriate State and local health officials.

''(h) SAVINGS CLAUSE.—Nothing contained in this section shall be construed as limiting—

''(1) the authority of the Secretary to issue an order to cease distribution of, or to recall, an article under any other provision of this Act or the Public Health Service Act; or

''(2) the ability of the Secretary to request any person to perform a voluntary activity related to any article subject to this Act or the Public Health Service Act.''.

(c) ARTICLES SUBJECT TO REFUSAL.—The third sentence of subsection (a) of section 801 (21 U.S.C. 381), as amended by section 107(b), is amended by inserting ''or (5) such article is subject to an order under section 420 to cease distribution of or recall the article,'' before ''then such article shall be refused admission''.

(d) EFFECTIVE DATE.—Sections 301(vv)(1) and 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a) and (b), shall apply with respect to articles of food as of such date, not later than 1 year after the date of the enactment of this Act, as the Secretary of Health and Human Services shall specify.

SEC. 112. REPORTABLE FOOD REGISTRY; EXCHANGE OF INFORMATION.

(a) REPORTABLE FOOD REGISTRY.—Section 417 (21 U.S.C. 350f) is amended—

(1) in subsection (a)(1), by striking ''means a person'' and all that follows through the end of paragraph (1) and inserting the following: ''means—

''(A) a person who submits the registration under section 415(a) for a food facility that is required to be registered under section 415(a), at which such food is manufactured, processed, packed, or held;

''(B) a person who owns, operates, is an agent of, or is otherwise responsible for such food on a farm (as such term is defined in section 1.227(b)(3) of title 21, Code of Federal Regulations, or successor regulations) at which such food is produced for sale or distribution in interstate commerce;

''(C) a person who owns, operates, or is an agent of a restaurant or other retail food establishment (as such terms are defined in section 1.227(b)(11) and (12), respectively, of title 21, Code of Federal Regulations, or successor regulations) at which such food is offered for sale; or

''(D) a person that is required to register pursuant to section 801(s) with respect to importation of such food.'';

(2) in subsection (b), by adding at the end the following:

''(3) REPORTING BY FARMS, RESTAURANTS, AND RETAIL FOOD ESTABLISHMENTS.—In addition to the electronic portal described in paragraph (1), the Secretary shall make available alternative means of reporting under this section with respect to farms, restaurants, and other retail food establishments with limited ability for such reporting.'';

(3) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''following a timely review of any reasonably available data and information,'' after ''reportable food,'';

(B) in subparagraph (A), by striking ''and'' at the end;

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

(D) by inserting after subparagraph (A) the following:

''(B) submit, with such report, through the electronic portal, documentation of results from any sampling and testing of such article, including—

''(i) analytical results from testing of such article conducted by or on behalf of the responsible party under section 418, 418A, 419, 419A, or 714;

''(ii) analytical results from testing conducted by or on behalf of such responsible party of a component of such article;

''(iii) analytical results of environmental testing of any facility at which such article, or a component of such article, is manufactured, processed, packed, or held; and

''(iv) any other information the Secretary determines is necessary to evaluate the adulteration of such article, any component of such article, any other article of food manufactured, processed, packed or held in the same manner as, or at the same facility as, such article, or any other article containing a component from the same source as a component of such article; and''; and

(4) in subsection (e)—

(A) in paragraph (1), by inserting ''if the responsible party is required to register'' after ''415(a)(3)''; and

(B) by adding at the end the following:

''(12) Such additional information as the Secretary deems appropriate.''.

(b) EXCHANGE OF INFORMATION.—Section 708 (21 U.S.C. 379) is amended—

(1) by striking ''The Secretary'' and inserting ''(a) The Secretary''; and

(2) by adding at the end the following:

''(b)(1)(A) The Secretary may provide to any Federal agency acting within the scope of its jurisdiction any information relating to food that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

''(B) Any such information provided to another Federal agency shall not be disclosed by such agency except in any action or proceeding under the laws of the United States to which the receiving agency or the United States is a party.

''(2)(A) In carrying out this Act, the Secretary may provide to a State or local government agency any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

''(B) Any such information provided to a State or local government agency shall not be disclosed by such agency.

''(3) In carrying out this Act, the Secretary may provide to any person any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that providing the information to the person is appropriate under the circumstances and the recipient provides adequate assurances to the Secretary that the recipient will preserve the confidentiality of the information.

''(4) In carrying out this Act, the Secretary may provide any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j)—

''(A) to any foreign government agency; or

''(B) any international organization established by law, treaty, or other governmental action and having responsibility—

''(i) to facilitate global or regional harmonization of standards and requirements in an area of responsibility of the Food and Drug Administration; or

''(ii) to promote and coordinate public health efforts,

if the agency or organization provides adequate assurances to the Secretary that the agency or organization will preserve the confidentiality of the information.

''(c) Except where specifically prohibited by statute, the Secretary may disclose to the public any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that such disclosure is necessary to protect the public health.

''(d) Except as provided in subsection (e), the Secretary shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law any information relating to food obtained from a Federal, State, or local government agency, or from a foreign government agency, or from an international organization described in subsection (b)(4), if the agency or organization has requested that the information be kept confidential, or has precluded such disclosure under other use limitations, as a condition of providing the information.

''(e) Nothing in subsection (d) authorizes the Secretary to withhold information from the Congress or prevents the Secretary from complying with an order of a court of the United States.

''(f) This section shall not affect the authority of the Secretary to provide or disclose information under any other provision of law.''.

(c) CONFORMING AMENDMENT.—Section 301(j) (21 U.S.C. 331(j)) is amended by striking ''or to the courts when relevant in any judicial proceeding under this Act,'' and inserting ''to the courts when relevant in any judicial proceeding under this Act, or as specified in section 708,''.

SEC. 113. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

''(a) IN GENERAL.—The Secretary may establish by regulation or guidance in coordination with the Commissioner responsible for Customs and Border Protection a program that facilitates the movement of food through the importation process under this Act if the importer of such food—

''(1) verifies that each facility involved in the production, manufacture, processing, packaging, and holding of the food is in compliance with the food safety and security guidelines developed under subsection (b) with respect to such food;

''(2) ensures that appropriate safety and security controls are in place throughout the supply chain for such food; and

''(3) provides supporting information to the Secretary.

''(b) GUIDELINES.—

''(1) DEVELOPMENT.—For purposes of the program established under subsection (a), the Secretary shall develop in consultation with the Commissioner responsible for Customs and Border Protection safety and security guidelines applicable to the importation of food taking into account, to the extent appropriate, other relevant Federal programs,

such as the Customs-Trade Partnership Against Terrorism (C-TPAT) programs under section 211 of the Security and Accountability for Every Port Act of 2006.

''(2) FACTORS.—Such guidelines shall take into account the following factors:

''(A) The personnel of the person importing the food.

''(B) The physical and procedural safety and security of such person's food supply chain.

''(C) The sufficiency of preventive controls for food and ingredients purchased by such person.

''(D) Vendor and supplier information.

''(E) Other programs for certification or verification by a qualified certifying entity used by the importer.

''(F) Such other factors as the Secretary determines necessary.''.

SEC. 114. INFANT FORMULA.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a) and 109(a), is amended by adding at the end the following:

''(bb) If it is a new infant formula and—

''(1) it is not the subject of a registration made pursuant to section 412(c)(1)(A);

''(2) it is not the subject of a submission made pursuant to section 412(c)(1)(B), or

''(3) at least 90 days have not passed since the making of such registration or of such submission to the Secretary.''.

(b) REQUIREMENTS.—Section 412 (21 U.S.C. 350a) is amended—

(1) in subsection (c)(1)(B), by striking ''(c)(1)'' at the end and inserting ''(d)(1), subject to subsection (d)(2)(B)'';

(2) in subsection (d)(1)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting '', and''; and

(C) by adding at the end the following:

''(E) information on any new ingredient in accordance with paragraph (2)(A).'';

(3) in subsection (d), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (d) the following:

''(2)(A) The description of any new infant formula required under paragraph (1) shall include, for any new ingredient for use in the formula—

''(i) a citation to a prior approval by the Secretary of the new ingredient for use in infant formula under section 409;

''(ii) a citation to or information showing a prior consideration of the new ingredient for use in infant formula under any program established by the Secretary for the review of ingredients used in food; or

''(iii) for a new ingredient that is not a food additive or a color additive, information equivalent to that provided under any program established by the Secretary for the review of ingredients used in food.

''(B) If the information submitted under subparagraph (A) is the information described in clause (iii) of such subparagraph, the 90 day period provided by subsection (c)(1)(B) shall not commence until the Secretary has completed review of the information submitted under such clause and has provided the submitter notice of the results of such review.''.

Subtitle B—Intervention

SEC. 121. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term ''food-borne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(1) coordinating Federal, State, and local food-borne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(2) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(3) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(4) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(5) expanding capacity of such systems, including fingerprinting and other detection strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness;

(6) allowing timely public access to aggregated, de-identified surveillance data;

(7) at least annually, publishing current reports on findings from such systems;

(8) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(9) integrating food-borne illness surveillance systems and data with other bio-surveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(10) other activities as determined appropriate by the Secretary.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(2) REVIEW.—In developing the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of this Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

SEC. 122. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—The Secretary, in cooperation with private and public organizations, including the appropriate State entities, shall design and implement a national public education program on food safety. The program shall provide—

(1) information to the public so that individuals can understand the potential impact and risk of food-borne illness, take action to reduce their risk of food-borne illness and injury, and make healthy dietary choices;

(2) information to health professionals so that they may improve diagnosis and treatment of food-related illness and advise individuals whose health conditions place them in particular risk; and

(3) such other information or advice to consumers and other persons as the Secretary determines will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Secretary shall work with the States and other appropriate entities to—

(1) develop and distribute regional and national advisories concerning food safety;

(2) develop standardized formats for written and broadcast advisories; and

(3) incorporate State and local advisories into the national public education program required under subsection (a).

SEC. 123. RESEARCH.

The Secretary shall conduct research to assist in the implementation of this Act, including studies to—

(1) improve sanitation and food safety practices in the production, harvesting, and processing of food products;

(2) develop improved techniques for the monitoring of food and inspection of food products;

(3) develop efficient, rapid, and sensitive methods for determining and detecting the presence of contaminants in food products;

(4) determine the sources of contamination of food and food products, including critical points of risk for fresh produce and other raw agricultural commodities;

(5) develop consumption data with respect to food products;

(6) draw upon research and educational programs that exist at the State and local level;

(7) utilize the DNA matching system and other processes to identify and control pathogens;

(8) address common and emerging zoonotic diseases;

(9) develop methods to reduce or destroy pathogens before, during, and after processing;

(10) analyze the incidence of antibiotic resistance as it pertains to the food supply and evaluate methods to reduce the transfer of antibiotic resistance to humans; and

(11) conduct other research that supports the purposes of this Act.

Subtitle C—Response

SEC. 131. PROCEDURES FOR SEIZURE.

Section 304(b) (21 U.S.C. 334(b)) is amended by inserting ''and except that, with respect to proceedings relating to food, Rule G of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions shall not apply in any such case, exigent circumstances shall be deemed to exist for all seizures brought under this section, and the summons and arrest warrant shall be issued by the clerk of the court without court review in any such case'' after ''in any such case shall be tried by jury''.

SEC. 132. ADMINISTRATIVE DETENTION.

(a) AMENDMENTS.—Section 304(h) (21 U.S.C. 334(h)) is amended—

(1) in paragraph (1)(A), by striking ''credible evidence or information indicating'' and inserting ''reason to believe'';

(2) in paragraph (1)(A), by striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated, misbranded, or otherwise in violation of this Act'';

(3) in paragraph (2), by striking ''30'' and inserting ''60'';

(4) in paragraph (3), by striking the third sentence; and

(5) in paragraph (4)(A) by striking the terms ''five'' and ''five-day'' and inserting ''fifteen'' and ''fifteen-day'', respectively.

(b) REGULATIONS.—The Secretary shall issue regulations or guidance to implement the amendments made by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 133. AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110 and 111, is amended by adding at the end by adding the following:

''(ww) The violation of a prohibition or restriction under section 304(i).''.

(b) IN GENERAL.—Section 304 (21 U.S.C. 334) is amended by adding at the end the following:

''(i) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD WITHIN A STATE OR PORTION OF A STATE.—

''(1) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.—

''(A) IN GENERAL.—

''(i) After consultation with the Governor or other appropriate official of an affected State, if the Secretary determines that there is credible evidence that an article of food presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may prohibit or restrict the movement of an article of food within a State or portion of a State for which the Secretary has credible evidence that such food is located within, or originated from, such State or portion thereof.

''(ii) In carrying out clause (i), the Secretary may prohibit or restrict the movement within a State or portion of a State of any article of food or means of conveyance of such article of food, if the Secretary determines that the prohibition or restriction is a necessary protection from an imminent threat of serious adverse health consequences or death to humans or animals.

''(2) NOTIFICATION PROCEDURES.—Subject to paragraph (3), before any action is taken in a State under this subsection, the Secretary shall—

''(A) notify the Governor or other appropriate official of the State affected by the proposed action;

''(B) issue a public announcement of the proposed action; and

''(C) publish in the Federal Register—

''(i) the findings of the Secretary that support the proposed action;

''(ii) a statement of the reasons for the proposed action; and

''(iii) a description of the proposed action, including—

''(I) the area affected; and

''(II) an estimate of the anticipated duration of the action.

''(3) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under paragraph (2)(C) before taking action under paragraph (1), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

''(4) APPLICATION OF LEAST DRASTIC ACTION.—No action shall be taken under paragraph (1) unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the imminent threat of serious adverse health consequences or death to humans or animals.

''(5) NONDELEGATION.—An action under paragraph (1) may only be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the Commissioner of Food and Drugs or the Principal Deputy Commissioner.

''(6) DURATION.—Fourteen days after the initiation of an action under paragraph (1), and each 14 days thereafter, if the Secretary determines that it is necessary to continue the action, the Secretary shall—

''(A) notify the Governor or other appropriate official of the State affected of the continuation of the action;

''(B) issue a public announcement of the continuation of the action; and

''(C) publish in the Federal Register the findings of the Secretary that support the continuation of the action, including an estimate of the anticipated duration of the action.

''(7) RULEMAKING.—The Secretary shall, consistent with national security interests and as appropriate for known hazards, establish by regulation standards for conducting actions under paragraph (1), including, as appropriate, sanitation standards and procedures to restore any affected equipment or means of conveyance to its status prior to an action under paragraph (1).''.

SEC. 134. CRIMINAL PENALTIES.

Section 303(a) (21 U.S.C. 333) is amended—

(1) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (2) or (3), any''; and

(2) by adding at the end the following:

''(3) Notwithstanding paragraph (1), any person who knowingly violates paragraph (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

SEC. 135. CIVIL PENALTIES FOR VIOLATIONS RELATING TO FOOD.

(a) IN GENERAL.—Paragraph (2) of section 303(f) (21 U.S.C. 331 et seq.) is amended to read as follows:

''(2)(A) Any person who violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

''(i) $20,000 in the case of an individual, not to exceed $50,000 in a single proceeding; and

''(ii) $250,000 in the case of any other person, not to exceed $1,000,000 in a single proceeding.

''(B) Any person who knowingly violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

''(i) $50,000 in the case of an individual, not to exceed $100,000 in a single proceeding; and

''(ii) $500,000 in the case of any other person, not to exceed $7,500,000 in a single proceeding.

''(C) Each violation described in subparagraph (A) or (B) and each day during which the violation continues shall be considered to be a separate offense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations committed on or after the date of the enactment of this Act.

SEC. 136. IMPROPER IMPORT ENTRY FILINGS.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, and 133, is amended by adding at the end the following:

''(xx) The submission of information relating to food that is required by or under section 801 that is inaccurate or incomplete.

''(yy) The failure to submit information relating to food that is required by or under section 801.''.

(b) DOCUMENTATION FOR IMPORTS.—Section 801 (21 U.S.C. 381), as amended by section 109, is amended by adding at the end the following:

''(r) DOCUMENTATION.—

''(1) SUBMISSION.—The Secretary may require by regulation or guidance the submission of documentation or other information for articles of food that are imported or offered for import into the United States. When developing any regulation or guidance in accordance with this paragraph, to the extent that the collection of documentation or other information involves Customs and Border Protection efforts or resources, the Secretary shall consult with Customs and Border Protection.

''(2) FORMAT.—A regulation or guidance under paragraph (1) may specify the format for submission of the documentation or other information.''.

TITLE II—MISCELLANEOUS

SEC. 201. FOOD SUBSTANCES GENERALLY RECOGNIZED AS SAFE.

Section 409 (21 U.S.C. 348) is amended by adding at the end the following:

''Substances Generally Recognized as Safe

''(k)(1) Not later than 60 days after the date of receipt by the Secretary, after the date of the enactment of this subsection, of a determination that a substance is a GRAS food substance, the Secretary shall post notice of such determination and the supporting scientific justifications on the Food and Drug Administration's public Web site.

''(2) Not later than 60 days after the date of receipt of a request under paragraph (1), the Secretary shall acknowledge receipt of such request by informing the requester in writing of the date on which the request was received.

''(3) In this subsection, the term 'GRAS food substance' means a substance excluded from the definition of the term 'food additive' in section 201(s) because such substance is generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.''.

SEC. 202. COUNTRY OF ORIGIN LABELING.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), and 114(a), is amended by adding at the end the following:

''(cc) In the case of a processed food, if the labeling of the food fails to identify the country in which the final processing of the food occurs.

''(dd) In the case of nonprocessed food, if the labeling of the food fails to identify the country of origin of the food.''.

(b) REGULATIONS.—

(1) PROMULGATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to carry out paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) RELATION TO OTHER REQUIREMENTS.—Regulations promulgated under paragraph (1) shall provide that labeling meets the requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), if—

(A) in the case of a processed food, the label of the food informs the consumer of the country where the final processing of the food occurred in accordance with country of origin marking requirements of the United States Customs and Border Protection; or

(B) in the case of a nonprocessed food, the label of the food informs the consumer of the country of origin of the food in accordance with labeling requirements of the Department of Agriculture.

(c) EFFECTIVE DATE.—The requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), take effect on the date that is 2 years after the date of the enactment of this Act.

SEC. 203. EXPORTATION CERTIFICATE PROGRAM.

Section 801(e)(4) (21 U.S.C. 381) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by inserting ''from the United States'' after ''exports''; and

(B) by striking ''a drug, animal drug, or device'' and inserting ''a food (including animal feed), drug, animal drug, or device'';

(2) in subparagraph (A)(i)—

(A) by striking ''in writing''; and

(B) by striking ''exported drug, animal drug, or device'' and inserting ''exported food, drug, animal drug, or device'';

(3) in subparagraph (A)(ii)—

(A) by striking ''in writing'';

(B) by striking ''the drug, animal drug, or device'' and inserting ''the food, drug, animal drug, or device''; and

(C) by striking ''the drug or device'' and inserting ''the food, drug, or device'';

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

(5) by inserting after subparagraph (A) the following:

''(B) For purposes of this paragraph, a certification by the Secretary shall be made on such basis and in such form (such as a publicly available listing) as the Secretary determines appropriate.''; and

(6) by adding at the end the following:

''(D) Notwithstanding subparagraph (C), if the Secretary issues an export certification within the 20 days prescribed by subparagraph (A) with respect to the export of food, a fee for such certification shall not exceed such amount as the Secretary determines is reasonably related to the cost of issuing certificates under subparagraph (A) with respect to the export of food. The Secretary may adjust this fee annually to account for inflation and other cost adjustments. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended, without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration to cover the cost of issuing such certifications. Such sums as necessary may be transferred from such appropriation account for salaries and expenses of the Food and Drug Administration without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.''.

SEC. 204. REGISTRATION FOR COMMERCIAL IMPORTERS OF FOOD; FEE.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, and 136, is amended by adding at the end the following:

''(zz) The failure to register in accordance with section 801(s).''.

(2) MISBRANDING.—Section 403 (21 U.S.C. 343) as amended by sections 101(a), 109(a), 114(a), and 202, is amended by adding at the end the following:

''(ee) If it is imported or offered for import by an importer not duly registered under section 801(s).''.

(3) REGISTRATION.—Section 801, as amended by sections 109 and 136, is amended by adding at the end the following:

''(s) REGISTRATION OF IMPORTERS.—

''(1) REGISTRATION.—The Secretary shall require an importer of food—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

''(2) GOOD IMPORTER PRACTICES.—The maintenance of registration under this subsection is conditioned on compliance with good importer practices in accordance with the following:

''(A) The Secretary, in consultation with Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported food is in compliance with the requirements of this Act.

''(B) The measures under subparagraph (A) shall ensure that the importer of a food—

''(i) has adequate information about the food, its hazards, and the requirements of this Act applicable to such food;

''(ii) has adequate information or procedures in place to verify that both the food and each person that produced, manufactured, processed, packed, transported, or held the food, including components of the food, are in compliance with the requirements of this Act; and

''(iii) has adequate procedures in place to take corrective action, such as the ability to appropriately trace, withhold, and recall articles of food, if a food imported by the importer is not in compliance with the requirements of this Act.

''(C) In promulgating good importer practices regulations, the Secretary may, as appropriate—

''(i) incorporate certification of compliance under section 801(q) and participation in the safe and secure food importation program under section 805; and

''(ii) take into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

''(3) SUSPENSION OF REGISTRATION.—

''(A) IN GENERAL.—Registration under this subsection is subject to suspension upon a finding by the Secretary, after notice and an opportunity for an informal hearing, of—

''(i) a violation of this Act; or

''(ii) the knowing or repeated making of an inaccurate or incomplete statement or submission of information relating to the importation of food.

''(B) REQUEST.—The importer whose registration is suspended may request that the Secretary vacate the suspension of registration when such importer has corrected the violation that is the basis for such suspension.

''(C) VACATING OF SUSPENSION.—If the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

''(4) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the importer of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the importer is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(5) EXEMPTIONS.—The Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.''.

(4) REGULATIONS.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services in consultation with the Commissioner responsible for Customs and Border Protection shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (3). In establishing the effective date of a regulation promulgated under section 801(s), the Secretary shall, in consultation with the Commissioner responsible for Customs and Border Protection, as appropriate, provide a reasonable period of time for importers of food to comply with good importer practices, taking into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) FEE.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) as added and amended by sections 101 and 108, is amended by adding at the end the following:

''PART 7—IMPORTERS OF FOOD

''SEC. 744. IMPORTERS OF FOOD.

''(a) IMPORTERS.—The Secretary shall assess and collect an annual fee for the registration of an importer of food under section 801(s).

''(b) AMOUNT OF FEE.—

''(1) BASE AMOUNTS.—The registration fee under subsection (a) shall be—

''(A) for fiscal year 2010, $500; and

''(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under paragraph (2).

''(2) ADJUSTMENT.—For fiscal year 2011 and subsequent fiscal years, the fees established pursuant to paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

''(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

''(3) COMPOUNDED BASIS.—The adjustment made each fiscal year pursuant this subsection shall be added on a compounded basis

to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

''(4) WAIVER FOR IMPORTERS REQUIRED TO PAY REGISTRATION FEE.—In the case of a person who is required to pay both a fee under section 743 for registration of one or more facilities under section 415 and a fee under this section for registration as an importer of food under section 801(s), the Secretary shall waive the fees applicable to such person under section 743 or the fee applicable to such person under this section.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to cover the costs associated with registering importers under section 801(s) and with ensuring compliance with good importer practices respecting food.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.''.

(c) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by section 105, is amended by adding at the end the following:

''(i) IMPORTERS.—Every person engaged in the importing of any food shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.''.

SEC. 205. REGISTRATION FOR CUSTOMS BROKERS.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301(zz) (21 U.S.C. 331), as added by section 204, is amended by inserting ''or 801(t)'' after ''801(s)''.

(2) MISBRANDING.—Section 403(ee) (21 U.S.C. 343), as added by section 204, is amended—

(A) by inserting ''or a customs broker'' after ''by an importer''; and

(B) by inserting ''or 801(t)'' after ''801(s)''.

(3) REGISTRATION.—Section 801, as amended by sections 109, 136, and 204, is amended by adding at the end the following:

''(t) REGISTRATION OF CUSTOMS BROKER.—

''(1) REGISTRATION.—The Secretary shall require a customs broker, with respect to the importation of food—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

''(2) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the customs broker of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the customs broker is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(3) NOTIFICATION.—The Secretary shall notify the Commissioner responsible for Customs and Border Protection whenever the Secretary cancels a registration under this subsection.

''(4) EXEMPTIONS.—In consultation with the Commissioner responsible for Customs and Border Protection, the Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.

''(5) CIVIL PENALTIES.—Notwithstanding any other provision in this Act, a customs broker who violates section 301 because of a violation of section 403(ee), or who violates section 301(xx), 301(yy), or 301(zz), shall not be subject to a civil penalty under section 303(f)(2).''.

(4) REGULATIONS.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner responsible for Customs and Border Protection, shall promulgate the regulations required to carry out section 801(t) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2).

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by sections 105 and 204, is amended by adding at the end the following:

''(j) BROKERS.—Every customs broker required to be registered with the Secretary shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.''.

SEC. 206. UNIQUE IDENTIFICATION NUMBER FOR FOOD FACILITIES, IMPORTERS, AND CUSTOM BROKERS.

Chapter X (21 U.S.C. 391 et seq) is amended by adding at the end the following:

''SEC. 1011. UNIQUE FACILITY IDENTIFIER.

''(a) REGISTRATION OF FACILITY OR ESTABLISHMENT.—A person required to register a facility pursuant to section 415 shall submit, at the time of registration, a unique facility identifier for the facility or establishment.

''(b) REGISTRATION OF IMPORTERS AND CUSTOM BROKERS.—A person required to register pursuant to section 801(s) or 801(t) shall submit, at the time of registration, a unique facility identifier for the principal place of business for which such person is required to register under section 801(s) or 801(t).

''(c) GUIDANCE.—The Secretary may, by guidance, and, with respect to importers and customs brokers, in consultation with the Commissioner responsible for Customs and Border Protection, specify the unique numerical identifier system to be used to meet the requirements of subsections (a) and (b) and the form, manner, and timing of a submission under such subsections. Development of such guidelines shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems, such as integration with the Automated Commercial Environment (ACE) and the International Trade Data System (ITDS), and any successor systems.

''(d) IMPORTATION.—An article of food imported or offered for import shall be refused admission unless the appropriate unique facility identifiers, as specified by the Secretary, are provided for such article.''.

SEC. 207. PROHIBITION AGAINST DELAYING, LIMITING, OR REFUSING INSPECTION.

(a) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by section 102, 103(a), and 104(a), is amended by adding at the end the following:

''(n) If it has been produced, manufactured, processed, packed, or held in any farm, factory, warehouse, or establishment and the owner, operator, or agent of such farm, factory, warehouse, or establishment, or any agent of a governmental authority in the foreign country within which such farm, factory, warehouse, or establishment is located, delays or limits an inspection, or refuses to permit entry or inspection, under section 414 or 704.''.

(b) FOREIGN INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)), as amended by section 106(c), is amended—

(1) in the first sentence, by inserting '', including any such food factory, warehouse, or establishment whether foreign or domestic,'' after ''factory, warehouse, or establishment''; and

(2) in the third sentence, by inserting '', including any food factory, warehouse, establishment, or consulting laboratory whether foreign or domestic,'' after ''factory, warehouse, establishment, or consulting laboratory''.

SEC. 208. DEDICATED FOREIGN INSPECTORATE.

Section 704 (21 U.S.C. 374), as amended by sections 105, 204, and 205, is amended by adding at the end the following:

''(k) DEDICATED FOREIGN INSPECTORATE.—The Secretary shall establish and maintain a corps of inspectors dedicated to inspections of foreign food facilities. This corps shall be staffed and funded by the Secretary at a level sufficient to enable it to assist the Secretary in achieving the frequency of inspections for food facilities as described in this Act.''.

SEC. 209. PLAN AND REVIEW OF CONTINUED OPERATION OF FIELD LABORATORIES.

(a) SUBMISSION OF PLAN.—Not later than 90 days before the Secretary terminates or consolidates any laboratory, district office, or the functions (including the inspection and compliance functions) of any such laboratory or district office, specified in subsection (b), the Secretary shall submit a reorganization plan to the Comptroller General of the United States, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(b) SPECIFIED LABORATORIES AND OFFICES.—The laboratories and offices specified in this subsection are the following:

(1) Any of the 13 field laboratories responsible for analyzing food that were operated by the Office of Regulatory Affairs of the Food and Drug Administration as of January 1, 2007.

(2) Any of the 20 district offices of the Food and Drug Administration with responsibility for food safety functioning as of January 1, 2007.

(c) CONGRESSIONAL REVIEW.—A reorganization plan described in subsection (a) is deemed to be a major rule (as defined in section 804(2) of title 5, United States Code) for purposes of chapter 8 of such title.

SEC. 210. FALSE OR MISLEADING REPORTING TO FDA.

(a) IN GENERAL.—Section 301(q)(2) (21 U.S.C. 331(q)(2)) is amended by inserting after ''device'' the following: '', food,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to submissions made on or after the date of the enactment of this Act.

SEC. 211. SUBPOENA AUTHORITY.

(a) PROHIBITED ACT.—Section 301(f) is amended by inserting before the period ''or the failure or refusal to obey a subpoena issued pursuant to section 311''.

(b) AMENDMENT.—Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

''SEC. 311. EXERCISE OF SUBPOENA AUTHORITY.

''(a) IN GENERAL.—For the purpose of—

''(1) any hearing, investigation, or other proceeding respecting a violation of a provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food; or

''(2) any hearing, investigation, or other proceeding to determine if a person is in violation of a specific provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food,

the Commissioner may issue subpoenas requiring the attendance and testimony of witnesses and the production of records and other things.

''(b) TIMING OF COMPLIANCE.—When the Commissioner deems that immediate compliance with a subpoena issued under this section is necessary to address a threat of serious adverse health consequences or death, the subpoena may require immediate production.

''(c) SERVICE OF SUBPOENA.—

''(1) IN GENERAL.—Subpoenas of the Commissioner shall be served by a person authorized by the Commissioner by delivering a copy thereof to the person named therein or by certified mail addressed to such person at such person's last known dwelling place or principal place of business.

''(2) CORPORATIONS AND OTHER ENTITIES.—Service on a domestic or foreign corporation, partnership, unincorporated association, or other entity that is subject to suit under a common name may be made by delivering the subpoena to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

''(3) PERSON OUTSIDE U.S. JURISDICTION.—Service on any person not found within the territorial jurisdiction of any court of the United States may be made in any manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation.

''(4) PROOF OF SERVICE.—A verified return by the person so serving the subpoena setting forth the manner of service, or, in the case of service by certified mail, the return post office receipt therefor signed by the person so served, shall be proof of service.

''(d) PAYMENT OF WITNESSES.—Witnesses subpoenaed under subsection (a) shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

''(e) ENFORCEMENT.—In the case of a refusal to obey a subpoena duly served upon any person under subsection (a), any district court of the United States for the judicial district in which such person charged with refusal to obey is found, resides, or transacts business, upon application by the Commissioner, shall have jurisdiction to issue an order compelling compliance with the subpoena and requiring such person to appear and give testimony or to appear and produce records and other things, or both. The failure to obey such order of the court may be punished by the court as contempt thereof. If the person charged with failure or refusal to obey is not found within the territorial jurisdiction of the United States, the United States District Court for the District of Columbia shall have the same jurisdiction, consistent with due process, to take any action respecting compliance with the subpoena by such person that such district court would have if such person were personally within the jurisdiction of such district court.

''(f) NONDISCLOSURE.—A United States district court for the district in which the subpoena is or will be served, upon application of the Commissioner, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney to obtain legal advice) the existence of such subpoena for a period of up to 90 days. Such order may be issued on a showing that the records or things being sought may be relevant to the hearing, investigation, proceeding, or other matter and that there is reason to believe that such disclosure may result in—

''(1) furtherance of a potential violation under investigation;

''(2) endangerment to the life or physical safety of any person;

''(3) flight or other action to avoid prosecution or other enforcement remedies;

''(4) destruction of or tampering with evidence; or

''(5) intimidation of potential witnesses.

An order under this subsection may be renewed for additional periods of up to 90 days upon a showing that any of the circumstances described in paragraphs (1) through (5) continue to exist.

''(g) RELATION TO OTHER PROVISIONS.—The subpoena authority vested in the Commissioner and the district courts of the United States by this section is in addition to any such authority vested in the Commissioner or such courts by other provisions of law, or as is otherwise authorized by law.

''(h) NONDELEGATION.—The authority to issue a subpoena under this section is limited to the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.''.

SEC. 212. WHISTLEBLOWER PROTECTIONS.

Chapter X (21 U.S.C. 391 et seq.), as amended by section 206, is amended by adding at the end the following:

''SEC. 1012 PROTECTIONS FOR EMPLOYEES WHO REFUSE TO VIOLATE, OR WHO DISCLOSE VIOLATIONS OF, THIS ACT.

''(a) IN GENERAL.—No person who submits or is required under this Act or the Public Health Service Act to submit any information related to a food, or any officer, employee, contractor, subcontractor, or agent of such person may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee, including within the ordinary course of the job duties of such employee—

''(1) to provide information, cause information to be provided, or otherwise assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of this Act, or any other provision of Federal law relating to the safety of a food, if the information or assistance is provided to, or an investigation stemming from the provided information is conducted by—

''(A) a Federal regulatory or law enforcement agency;

''(B) any Member of Congress or any committee of Congress; or

''(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate the misconduct);

''(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed, or about to be filed (with any knowledge of the employer), in any court or administrative forum relating to any such alleged violation; or

''(3) to refuse to commit or assist in any such violation.

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—An employee who alleges discharge or other discrimination in violation of subsection (a) may seek relief in accordance with the provisions of subsection (c) by—

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, or within 90 days after receiving a final decision or order from the Secretary, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which court shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Any action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

''(B) EXCEPTION.—Notification in an action under paragraph (1) shall be made in accordance with section 42121(b)(1) of title 49, United States Code, except that such notification shall be made to the person named in the complaint, the employer, and the Commissioner of Food and Drugs.

''(C) BURDENS OF PROOF.—An action brought under paragraph (1)(A) or (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

''(D) STATUTE OF LIMITATIONS.—An action under paragraph (1)(A) shall be commenced not later than 180 days after the date on which the violation occurs.

''(c) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

''(2) ISSUANCE OF ORDER.—If, in response to a complaint filed under paragraph (b)(1), the Secretary of Labor or the district court, as applicable, determines that a violation of subsection (a) has occurred, the Secretary or the court shall order the person who committed such violation—

''(A) to take affirmative action to abate the violation;

''(B) to—

''(i) reinstate the complainant to his or her former position together with compensation (including back pay); and

''(ii) restore the terms, conditions, and privileges associated with his or her employment; and

''(C) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary or the court, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this

section may not be waived by any agreement, policy, form, or condition of employment.''.

SEC. 213. EXTRATERRITORIAL JURISDICTION.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, 136, and 204, is amended by adding at the end the following:

''(aaa) The production, manufacture, processing, preparation, packing, holding, or distribution of an adulterated or misbranded food with the knowledge or intent that such article will be imported into the United States.''.

(b) JURISDICTION.—Chapter III (21 U.S.C. 331 et seq.), as amended by section 211, is amended by adding at the end the following:

''SEC. 312. EXTRATERRITORIAL JURISDICTION.

''There is extraterritorial Federal jurisdiction over any violation of this Act relating to any article of food if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.''.

SEC. 214. SUPPORT FOR TRAINING INSTITUTES.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall provide financial and other assistance to appropriate entities to establish and maintain one or more university-affiliated food protection training institutes that—

(1) conduct training related to food protection activities for Federal, State, local, territorial, and tribal officials; and

(2) meet standards developed by the Secretary.

SEC. 215. BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) NOTICE OF DETERMINATION.—No later than December 31, 2009, the Secretary of Health and Human Services shall notify the Congress whether the available scientific data support a determination that there is a reasonable certainty of no harm, for infants, young children, pregnant women, and adults, for approved uses of polycarbonate plastic and epoxy resin made with bisphenol A in food and beverage containers, including reusable food and beverage containers, under the conditions of use prescribed in current Food and Drug Administration regulations.

(b) NOTICE OF ACTIONS TO BE TAKEN.—If the Secretary concludes that such a determination cannot be made for any approved use, the Secretary shall notify the Congress of the actions the Secretary intends to take under the Secretary's authority to regulate food additives to protect the public health, which may include—

(1) revoking or modifying any of the approved uses of bisphenol A in food and beverage containers, including reusable food and beverage containers; and

(2) ensuring that the public is sufficiently informed of such determination and the steps the public may take in response to such determination.

(c) RULE OF CONSTRUCTION.—Nothing herein is intended or shall be construed to modify existing Food and Drug Administration authority, procedures, or policies for assessing scientific data, making safety determinations, or regulating the safe use of food additives.

SEC. 216. LEAD CONTENT LABELING REQUIREMENT FOR CERAMIC TABLEWARE AND COOKWARE.

(a) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), 114(a), 202, and 204, is amended by adding at the end the following:

''(ff) If it is ceramic tableware or cookware and includes a glaze or decorations containing lead for an intended functional purpose, unless—

''(1) the product and its packaging bear the statement: 'This product is made with lead-based glaze consistent with Food and Drug Administration guidelines for such lead.'; or

''(2) the product is in compliance with the requirements applicable to ornamental and decorative ceramicware in section 109.16 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) EFFECTIVE DATE.—Section 403(ff) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall apply only to ceramic tableware or cookware that is manufactured on or after the date that is 1 year after the date of the enactment of this Act.

(c) CONSUMER EDUCATION.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, 104, and 111, is amended by adding at the end the following:

''SEC. 421. CONSUMER EDUCATION ON THE CONTENT OF LEAD IN CERAMICWARE AND APPLICABLE LABELING REQUIREMENTS.

''(a) IN GENERAL.—The Secretary shall educate consumers on the safety of ceramicware for food use by posting information on the Web site of the Food and Drug Administration with regard to—

''(1) the content of lead in ceramicware and its glaze;

''(2) existing Federal laws and regulations governing lead in ceramicware;

''(3) as appropriate, existing industry practices and guidelines; and

''(4) the labeling requirements applicable under this Act.

''(b) TOPICS.—The education under this section shall address—

''(1) the broad range of ceramicware types, including traditional pottery, ornamental and decorative ceramicware, cookware, and everyday dinnerware;

''(2) the safety of ceramicware that is aged or damaged;

''(3) the use of ceramicware in microwave ovens;

''(4) the storage of foods in ceramicware;

''(5) the use of home lead test kits by consumers;

''(6) the use of ceramicware by children and women of childbearing age; and

''(7) issues that are especially relevant to subpopulations of consumers who may preferentially use certain types of ceramicware made with lead.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair now recognizes the gentleman from Michigan.

Mr. BARTON of Texas. Before we recognize Chairman DINGELL, I would ask unanimous consent that Mr. LUCAS, the ranking member of the Agriculture Committee, control 10 minutes of my time.

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

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous matter into the RECORD.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is a remarkable piece of bipartisan work. I want to pay tribute to my dear friend Mr. BARTON, the ranking minority member of the committee; my good friend, the chairman of the committee, for his outstanding leadership on this, Mr. WAXMAN; and also Mr. PALLONE, as chairman of the subcommittee, for their leadership.

I want to tell the House how important the labors of my dear friend Mr. STUPAK have been in the Oversight Investigations Committee in creating the basis from which this legislation can move forward. This has been a piece of legislation which moved unanimously out of the committee. It is something which we would hope this House would always be able to emulate.

I want to congratulate Representatives SUTTON, NATHAN DEAL, and JOHN SHIMKUS for their labors, and the outstanding staff on both sides of the Commerce Committee.

I want to express my appreciation to COLLIN PETERSON and Mr. CARDOZA of California for their labors, and Representative DELAURO and President Obama and the White House food safety group.

The legislation is supported by the Consumers Union, the Centers for Science and Public Interest, the National Consumers League, and a large number of other organizations, including the Grocery Manufacturers, GMA, and United Fresh Produce. Jeanie Ireland and my good friend Virgil Miller have worked very hard at the staff level, and they deserve thanks.

This is a piece of legislation that will stop Americans being killed by bad foods. It is a piece of legislation that will see to it that the Food and Drug Administration has both the authority and the funds to address not only American foods but foods being imported from places like China. It will stop harmful seafood, E. coli in spinach, tainted peppers from Mexico, and a large number of other things.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to the ranking member of the Health Subcommittee, Mr. DEAL of Georgia.

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

I, too, want to thank the sponsor of this legislation and our committee for working in a bipartisan fashion. As many of you will recall, earlier this year, our Nation was rocked with a peanut butter contamination that involved salmonella, and it became very apparent very shortly after the investigation started that a rogue operator, the Peanut Corporation of America, had risked the well-being of thousands of Americans.

In addition, it resulted in millions of dollars of loss to an industry that is very important to my State of Georgia. Peanut sales plummeted. It was in an effort to shore up the company's individual bottom line that PCA had recklessly jeopardized both peanut farmers

and processors and the public in this country.

Now, this is a piece of legislation that is designed to try to correct some of those problems because they are not unique just to the peanut industry. We've seen them in the tomato, jalapeno pepper, the pistachio nuts, the contamination of spinach and many others. This legislation requires the development and implementation of a hazard analysis and food safety plan with regular updating, a requirement which is already in place for USDA-regulated facilities, such as poultry processing that is in my district. These plans have proved to be effective in reducing the hazard of food-borne contamination.

This legislation also implements a risk-based inspection schedule, which improves today's unacceptable status quo and targets our most vulnerable facilities for greater oversight. I know there's been concern about the overlap into USDA activities. There is language in the bill that would exclude the inclusion of farms within the bill. They are excluded. They are not required to register. They're not required to pay a registration fee. Livestock and poultry are also exempt. It does not allow the FDA to regulate what are now USDA-regulated facilities and products.

I commend this legislation and urge my colleagues to adopt it.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Energy and Commerce, Mr. WAXMAN, whose leadership in this matter has been appreciated.

Mr. WAXMAN. Mr. Speaker, a series of food-borne disease outbreaks in spinach, peanuts, and peppers, to name a few, have not only just sickened and killed American consumers, they've laid bare the unacceptable gaps in our food safety laws. And today, the House will act to close those gaps, give FDA new authorities, new tools, and a new source of funding to carry out this vital mission.

This legislation contains policy solutions that come from many Members on both sides of the aisle. It's largely based on legislation introduced by Chairman Emeritus JOHN DINGELL, Subcommittee Chairmen PALLONE and STUPAK. These three Members have played an instrumental role in this legislation, as have Representatives SUTTON and DEGETTE on our committee.

In addition, I want to single out Chairwoman ROSA DELAURO who introduced the landmark legislation which contributed in a substantial way to this bill. I want to thank our full committee Ranking Member BARTON and subcommittee Ranking Members SHIMKUS and DEAL for their contributions to the legislation as well, and Chairman PETERSON and Chairman RANGEL who gave suggestions to make the bill a better bill.

The coalition of food safety groups worked with the Members to develop and maintain the strong, public health protections in this bill. I think that they deserve an enormous amount of recognition, but I want to thank Rachel Sher of my staff for her thoughtful work and countless hours on this bill. Other key staff on the effort include Eric Flamm, Virgil Miller, Elana Leventhal, and Erika Orloff, as well as several individuals from the minority staff, including Ryan Long, Clay Alspach, Blake Fulenwider, and Chris Sarley.

And finally, I want to thank President Obama and his administration for their contributions to this legislation. The safety of the food supply is a critical issue, and this legislation will give the administration the tools they need to keep this food supply safe.

I urge a ''yes'' vote for the bill.

Mr. LUCAS. I yield myself 5 minutes.

Mr. Speaker, I truly regret that I must rise in opposition to this legislation, H.R. 2749, the Food Safety Enhancement Act of 2009.

Let me begin by saying that I believe our Nation has the safest food supply in the world. I also believe that we must continually examine our food production and regulatory system and look for ways to improve food safety. However, the bill before us today does little to accomplish the goal of enhancing food safety. One glaring example is the fact that the authors of the bill did not require the U.S. Food and Drug Administration—''require'' being the operative phrase—to spend one additional penny on the inspection of food.

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The bill before us today is the product of a flawed process. This is just another example of Federal power without the benefit of careful consideration. It is what we have come to expect from the majority leadership of the 111th Congress. We could point to the stimulus package, cap-and-trade, and soon the health care bill as examples of a blatant disregard for the legislative process and for the American people, for whom we work. As of last night, no one had seen a copy of this bill.

It is tragic that despite a clear jurisdictional claim, the chairman of the House Agriculture Committee did not demand that the bill be referred, conduct hearings on its provisions and work at the committee's will to make improvements.

But this is not just a matter of jurisdiction between two committees. The real losers today are farmers, ranchers, and, yes, consumers. During a recent committee hearing on the general topic of food safety, not a single producer witness would support this bill in its current form. This is a stunning failure to fulfill our legislative responsibility.

One provision of particular concern would mandate that the Food and Drug Administration set on-farm production performance standards. For the first time, we would have the Federal Government prescribing how our farmers grow crops. Farming, the growing of crops and the raising of livestock, is one of the first organized activities pursued by man. We have been doing it for a very long time, and we have been doing it without the FDA.

New language to the bill would exclude row crop producers from FDA regulatory authority over growing and harvesting crops. Language was also approved that would relieve livestock producers from some of the burdens of the law. Although these are needed changes, they do not go far enough to make the bill acceptable.

This bill still leaves our Nation's fruit and vegetable producers subject to objectionable regulatory burdens.

There are other problems in the bill as well. New registration authorities for food processing facilities create what amounts to a Federal license to be in the food business. Hundreds of millions of dollars in associated fees represented by a new tax on food production, along with regulatory burdens, will increase the cost of food for consumers, increasingly forcing food production out of this country, unfortunately.

New quarantine authorities for FDA will undermine animal and plant inspection control programs that have been in place at USDA for decades.

The vast majority of these provisions, along with new penalties, recordkeeping requirements, traceability, labeling, country-of-origin labeling, will do absolutely nothing to prevent food-borne disease outbreaks, but will do plenty to keep the Federal bureaucracy busy. These issues can be worked out through the normal legislative process, but only if there is a process.

Mr. Speaker, let me return to where I started. We have the safest food supply in the world. Anyone following current events knows that our food production system faces ongoing food safety challenges, and I stand ready to work with my colleagues to address these challenges. But this is not the way to create law.

We should not suspend the rules to pass this bill. Our Nation's farmers, ranchers and consumers deserve better, Mr. Speaker.

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

Mr. DINGELL. Mr. Speaker, I will have a full rebuttal for the remarks of the gentleman who has just spoken.

I yield 1 minute at this time to my dear friend, the chairman of the subcommittee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the chairman.

I rise in strong support of H.R. 2749, the Food Safety Enhancement Act of 2009. It is time that we put in place a stronger and more thorough system to prevent food-borne illness rather than continuing to simply react to outbreak after outbreak of contaminated products.

This bill will require that food manufacturers put in place preventive controls to monitor the production lines

and identify, prevent or eliminate hazards, should they arise. It requires them to have food safety plans detailing all the food safety activities that the company is undertaking to ensure the safety of their products.

Under the bill, the FDA will have the authority to set performance standards that companies must incorporate into their food safety plans; it requires the FDA to put in place a traceability system for food products. It requires the FDA to inspect facilities according to a minimum inspection frequency, and it provides the FDA with enhanced enforcement authorities.

Mr. Speaker, this is the strongest bill it can be. It will catapult the FDA into the 21st century, and it will arm the agency with the necessary authorities and enforcement power to protect our Nation's food supply.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I want to thank Chairman Emeritus DINGELL FOR HIS WORK ON THIS BILL. I ALSO WANT TO THANK CHAIRMAN WAXMAN.

Mr. DINGELL. If the gentleman will yield, I want to tell the House how important the labors of the gentleman have been, and also those of Mr. BARTON and Mr. DEAL. We owe a great debt to the gentleman.

Mr. SHIMKUS. Thank you very much. I also want to thank Chairman WAXMAN for mentioning Chris Sarley, who did yeoman's work with the majority staff, and I appreciate their kindness and work effort.

This is a model for what we can do on energy and what we can do on health if we would move in that direction. We can't defend the current system. As a former ranking member on Oversight and Investigations, there are fixes that have to be made.

This bill provides a risk-based inspection regime and gives the FDA flexibility to change the frequency of inspections to lower-risk facilities. It allows FDA access to records. It gives companies flexibility to use different preventative control systems. And where things are working, we let existing authority remain with respect to USDA.

I am an ag Republican, so I understand the concerns of my colleagues on the Ag Committee. But this bill does not require farms to register with the FDA; and as a result, farms do not have to pay a registration fee.

Access to farm records is significantly restricted. Livestock and poultry are exempt from the bill. Grain and related commodities are exempt from produce standards. USDA-regulated farms, facilities and products are not subject to this bill. It allows farms to be exempt from any traceability requirements.

But I will pledge to continue to work with any ag Republican colleagues as this process moves forward to try to address some of the remaining concerns. I do appreciate the majority and their work on this. Again, I think it is a good method for which we can move on energy and health care when we get to a point where we want to do that.

Mr. DINGELL. Mr. Speaker, I am very delighted at this time to yield 1 minute to the distinguished gentleman from Michigan (Mr. STUPAK), chairman of the Subcommittee on Oversight and Investigations, who has done so much to make the investigations which have brought us to the point where people understand the need for this legislation.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 2749, the Food Safety Enhancement Act. As chairman of the Subcommittee on Oversight and Investigations, I, along with Ranking Members WHITFIELD, SHIMKUS and WALDEN, have held 10 hearings over the past 2 years to examine the safety and security of our Nation's food supply.

This investigation takes important steps towards addressing the gaping holes in our Nation's food supply by recognizing that the food industry and the FDA must share responsibility for securing our Nation's food supply. Provisions granting the FDA additional authorities, such as quarantine, recall, subpoena power and access to records, are all addressed in H.R. 2749.

I want to thank my colleagues and friends, Chairman DINGELL, Chairman PALLONE and Chairman WAXMAN, for all their hard work on this issue. I also wish to thank their staffs, who have worked diligently to see this bill come before us today. Plus I want to thank the Obama administration for working with us.

All the dedication of all the individuals have paid off with a piece of legislation that will help protect and ensure all Americans have access to safe food. I am proud to be part of such great legislation. I urge all of my colleagues to support its passage.

Mr. LUCAS. Mr. Speaker, I wish to yield 1¼ minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman for yielding.

Do not vote in favor of H.R. 2749 thinking that today's vote is a throwaway one to demonstrate one's support for food safety.

We are all interested in food safety. It matters. Those of us involved in agriculture care about food safety. It is a matter of life and health for our consumers, and for the farmers and ranchers it is a matter of their livelihood. Even the rumor of unsafe food causes commodity prices to fall and farm incomes to decline.

While I am unable to tell my colleagues the exact details of this bill, I can say with certainty there are significant adverse consequences to farmers, especially our smallest ones, and those consequences include on-farm performance standards, record-keeping requirements, arbitrary record access requirements and registration fees, none of which may actually improve food safety.

The reason I am unable to describe the details of this bill is that those details became available only this morning. The bill before us was amended, striking everything after the enacting clause and inserting a new text. The entire bill as it existed yesterday was deleted and new language put in its place. There have been few hearings on this bill, constant redrafting by a few people outside the committees, and no referral to the Committee on Agriculture.

Do not let the Suspension Calendar fool you. This bill is substantive legislation with uncertain consequences. Vote ''no.''

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of this bill and thank Chairman WAXMAN and Chairman Emeritus DINGELL for their hard work.

The bill begins a long task of rectifying decades of neglect by updating FDA's ancient tools and outdated mandates. It gives the FDA the means to deal with dangers imposed by a global food system and enhances the agency's ability to prevent food contamination.

It incorporates key provisions from legislation I introduced this year and moves the FDA to a risk-based inspection system. It requires the agency to inspect the highest-risk facilities once every 6 months to a year, rather than once a decade.

It enhances reporting requirements for companies and establishes performance standards for fighting food-based pathogens. Performance standards form the backbone for monitoring the effectiveness of process control systems and identifying the foods at greatest risk.

I continue to strongly believe that the best way to protect our food supply is to streamline the FDA into two separate agencies within Health and Human Services so that food and drug safety both get the full and comprehensive attention they deserve.

This bill is a strong, solid first step in creating a comprehensive food safety system that can protect American families from the many dangers of contaminated food. I urge my colleagues to support this bill.

Mr. BARTON of Texas. I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), the ranking member of the Oversight Subcommittee of the Committee on Energy and Commerce.

Mr. WALDEN. Mr. Speaker, this really ought to be called Jake's Law, after 3-year-old Jake Hurley of Wilsonville, Oregon. In February, before the Oversight and Investigations Subcommittee, Jake's father, Peter, testified about how Jake contracted salmonella from eating peanut butter products from Peanut Corporation of America in Georgia.

In January, Jake became sick. His doctors asked his parents, what does he like to eat? They recommended some food products. As it turned out, those very food products in their home were contaminated with salmonella that came about because of PCA.

So when Stewart Parnell, the PCA president, testified before our Oversight Committee, I asked him, Would you like to sample some of the products that you sent out to little kids like Jake and other Americans to eat? His response? He took the Fifth Amendment.

Thankfully, Jake recovered. But nine people died from the outbreak, and at least 691 people, half of them children, were sickened.

If PCA had to follow a law like this that would require a fully-functioning food safety plan at food production facilities, traceability of the food chain, increased inspection and recall authority from FDA, there is a good chance that the salmonella outbreak could have been avoided and Jake and hundreds of others never would have been poisoned.

Because of Jake's story and others like it we uncovered in bipartisan O&I food safety hearings since 2007, we now have a bipartisan piece of legislation here to pass the House of Representatives; and I urge your support for it, for the food safety of our country and the citizens that live here.

Mr. DINGELL. If the gentleman will yield, I want to compliment the gentleman on his comments and I want to praise him for his valuable and important contribution to the legislation. As he has said, this is how legislation should be done, bipartisan; and we have gone across the aisle. But we have also gone between committees, working with the distinguished chairman of the Agriculture Committee. I commend the gentleman and thank him.

Mr. WALDEN of Oregon. I thank the gentleman for his comments.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to my distinguished friend, the gentlewoman from California (Ms. DEGETTE), a Member who has worked very hard on this legislation for a long time and who was one of the original sponsors and has been a valuable contributor to the process of bringing it forward.

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

□ 1430

Ms. DEGETTE. Mr. Speaker, many of us have been talking about comprehensive food safety for years. Our Nation's business community is calling for it. Our constituents are begging for it. I am so pleased that today, at long last, we are considering this bill on the House floor on a bipartisan basis.

The bill before us will strengthen our food supply in a number of areas. It will transform our system into one that focuses on prevention, rather than reaction. It will provide the FDA with the resources it has lacked; and by giving it mandatory recall authority and subpoena authority, it will give the FDA the tools it needs to deal with an emergency.

Mr. Speaker, this bill also will give the FDA the ability to track our food products along the supply chain, enabling targeted and speedier recalls that will benefit business and consumers alike. This traceability provision of the legislation, we know we can't do it overnight, but it will require the FDA to write regulations undertaking a pilot project, cost-benefit analysis, feasibility studies and public meetings to make sure that we can track food from field to fork. This will improve consumer safety and we exempt the family farm.

I urge adoption of this important bill.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, section 101 of the bill requires an annual registration for a facility. The term ''facility'' means any factory, warehouse or establishment, including a factory, warehouse or establishment of an importer that manufactures, processes, packs or holds foods.

The user fees under this section require registration each year starting in 2010 to be $500 and each subsequent year to be adjusted for inflation. This will affect small businesses and impose tax increases. For companies and individuals that own or operate multiple facilities, a maximum level for total fees per year is set at $175,000. These will have to be passed on to the consumer and will raise the price of food to cover the fees associated under this bill.

I encourage my colleagues to vote ''no'' on this bill under suspension so that Congress may debate food safety and come to an agreement on how to protect our Nation's farmers and food facilities in order to maintain the United States as having the world's safest, most economically viable food source.

The SPEAKER pro tempore. The Chair will note that the gentleman from Texas has 4 minutes remaining, the gentleman from Oklahoma has 3¼ minutes remaining, and the gentleman from Michigan has 12 minutes remaining.

Mr. DINGELL. Mr. Speaker, just for administrative purposes, does my friend on the Republican side have a sufficiency of time? I speak about Mr. BARTON.

Mr. BARTON of Texas. Mr. Chairman, we could use another 2 to 3 minutes, if you have it.

Mr. DINGELL. I will try to see if we can share, if it is necessary.

Mr. Speaker, at this time I yield to one of the original sponsors of the legislation, the distinguished gentlelady who has done much work to get this legislation to the floor, the distinguished gentlewoman from Ohio (Ms. SUTTON) 1 minute.

Ms. SUTTON. Mr. Speaker, I rise today as a proud cosponsor of the Food Safety Enhancement Act of 2009, and I commend the distinguished Chair Emeritus, JOHN DINGELL, for his dedication to formulating and passing this bill, which is so sorely needed to protect the safety of our food supply.

This year alone, we have experienced a series of outbreaks of food-borne illnesses. These outbreaks have taken a disproportionate toll on our State of Ohio. The peanut-related salmonella outbreak affected 92 individuals in Ohio, and, sadly, resulted in three tragic deaths. Nellie Napier, a constituent of mine, died from salmonella poisoning that she contracted in a nursing facility.

This bill is an essential step toward lowering these tragic numbers and restoring consumer confidence in our food supply. It will increase inspections of food facilities, improve traceability, and provide needed funding to the FDA for food safety activities. And with the increased globalization of our food supply—close to 13 percent of the food we eat comes from abroad—and this bill will help protect consumers from unsafe imported foods.

Mr. BARTON of Texas. I yield 2 minutes to the former Republican Conference chairman and probably future Governor of Florida (Mr. PUTNAM).

Mr. PUTNAM. I thank my friend from Texas.

I rise to support this bill which is built on a bipartisan foundation. I thank my friend from California (Mr. COSTA) who worked with a number of us to put together a strong food safety bill, and many of the key principles embedded in that bill have been built into the bill that we're debating here today. This is an issue that brings together America's farmers, ranchers and the consumers. There is no difference or distinction between the interests of those two parties. As the FDA's false information about the tomatoes implicated in the food-borne illness outbreak illustrates, when there is false information out there, the industry suffers; and when there is food-borne illness out there, consumer confidence is eroded. Both of those outcomes are unacceptable. So there is a need for both sides to come together on this, and I am proud that this is a bipartisan effort.

I would highlight some issues, though, that need additional work as this moves into the Senate. Most importantly, the quarantine and traceability issues need further work as well as the work that is done by our State and local Departments of Health and Departments of Agriculture. They are delegated 80 percent of FDA's authority to implement most of this bill and the other responsibilities of FDA. They must have better coordination and cooperation from the FDA in implementing this legislation as well as

the rest of the food safety mandates already in the law. But overall, it is important that this Nation move forward with a modernization of the food safety system, some of which has not been built upon since the Teddy Roosevelt administration. It is important to our farmers and ranchers, and it is important to our consumers.

So for that reason, I am proud to stand in support of this bill and urge its passage, recognizing that there are issues that we need to continue to work with our friends and colleagues in the Senate on.

Mr. DINGELL. At this time I yield 1 minute to the distinguished chairman of the Agriculture Committee's subcommittee on food safety, the gentleman from Georgia (Mr. SCOTT), with thanks and appreciation for his good work.

Mr. SCOTT of Georgia. Thank you so much, Chairman DINGELL. I appreciate that so much. I really, quite honestly, can't understand how anybody could vote against this bill. We've already had three outbreaks that have definitely taken lives of the American people. But I want to thank, Chairman PETERSON on our Agriculture Committee, as well as Chairman DINGELL; and I certainly want to congratulate and thank our staff on my own subcommittee, Chandler Goule and Gary Woodward, for the excellent job that they have done. And to the gentleman on the other side, we've had hearings on this; but the greatest hearing we've had on this has been the threats to the safety of the American people. If we enact these measures in this bill, we will save American lives.

Let me just tell you about one example: Better access to records in order to prevent the outbreaks. This bill will give the FDA access to the records of food producers and manufacturers during the time that they are inspecting the plants. Under current law, the FDA must wait for the food-borne illness to occur before they can even access the records. Now, ladies and gentlemen, if this had been in place, eight people would be alive today from the peanut outbreak in my district of Georgia. This is an important bill, it's timely, and I urge its passage.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Oklahoma for yielding, and I rise in opposition to this food safety bill, as it's labeled. It will provide some more food safety. I won't dispute that. But the point is that it grows government regulation, and it broadens the FDA's regulations over what I think, if it's going to be regulated, should be USDA.

We are looking at two, three or four individual food safety problems; and instead of looking at that and trying to solve the problem, first, we should try to solve it without legislation. Second, it should be specific to the food rather than the broad stroke that this bill is. I know that there are exemptions for feed grains; but in the end, this is a growth of regulation. It's a burden on our farmers and our food producers. It's a tax on our food producers. It's going to come out of the pockets of the American consumers, and it will diminish the smaller operations among us.

We have here a solution in search of a problem. We can solve this problem without new extra regulatory authority for the FDA. I rise in opposition to this bill, and I believe it should be Ag Committee jurisdiction.

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from California (Mr. COSTA), one of the great leaders in food safety, a distinguished member of the Committee on Agriculture, a man who has worked very closely with me and with the others who have been working on this, including the distinguished chairman of the Agriculture Committee.

Mr. COSTA. I want to start by thanking Chairman Emeritus JOHN DINGELL for his hard work on this effort, as he does in so many pieces of legislation that have been a part of his legacy; Chairman WAXMAN and Chairman PETERSON for their support and efforts to ensure that we come together in a collective effort; Ranking Member BARTON and my colleague and friend Congressman ADAM PUTNAM from Florida.

We introduced this legislation in the last session of Congress, working to try to put together a bipartisan effort, understanding that food safety is job number one for all American farmers, ranchers and dairymen because they are consumers, their families consume their products, and they must ensure, as we all must ensure, that America's food on our dinner tables is the safest it can possibly be.

Our farmers are to be commended for their tireless efforts to produce the world's safest and most wholesome food, but we can always do better. This legislation intends to address that. Our food safety laws have not been updated for nearly 50 years. They're in need of modernization, both to protect the consumers and to protect our farmers from the loss of the markets. When an outbreak occurs, they're the first to be impacted; and obviously food safety is job number one for all consumers in America. I think it's important for us to note that there is not a one-size-fits-all approach to food safety; therefore, working together with the United States Department of Agriculture and the Food and Drug Administration is critical to making this legislation work.

What does it establish? It establishes science-based, risk-based standards for both producers and processors here and abroad; and let me underline abroad. Any food products that come into this country ought to meet the same standards that we require of our farmers and food processors here in America. This legislation attempts to do that. It means that ensuring our foreign partners, whether they are growing leafy greens or peppers or anything else, that they meet the same standards that American farmers must meet to put those products on the table.

Is this a perfect bill? No. It's a work in progress, but I think it's a good bipartisan bill. I would urge my colleagues to support this measure, and I thank the chairmen for their good work.

Mr. BARTON of Texas. Mr. Speaker, I'm the last speaker on my side in support of the bill, so I'm going to reserve the balance of my time.

Mr. DINGELL. With a great deal of pleasure and pride, at this time I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), my good friend, the distinguished chairman of the Committee on Agriculture who has worked so hard not only on food safety but also with us to make this bill something which is acceptable to the House, to him and to American agriculture.

Mr. PETERSON. I thank the gentleman from Michigan for recognizing me, and I want to thank him for his hard work and his practical way of approaching legislation, which is the right way to do things.

I rise today in support of this legislation. Our committee has had hearings regarding food safety, and we had some concerns about the bill as it came out of the Energy and Commerce Committee. Mr. DINGELL was kind enough to sit down and work with us on those concerns; and out of that we were able to especially address the concerns of the livestock industry and the grain industry who were concerned that there may be unintended consequences. So we were able to get exemptions in those areas and also make other changes to make sure that the bill didn't interfere with the production and harvesting parts of agriculture.

□ 1445

We had, at the beginning of this, a number of groups that were concerned or even opposed to this legislation. And now, because of the changes that we have been able to work through with Mr. DINGELL and others, I am happy to report that these organizations are either now neutral or dropped their opposition or are supporting the bill: the United Fresh Fruit and Vegetable folks, Western Growers, the American Farm Bureau Federation, National Wheat Growers, the National Cattlemen's Beef Association, the National Turkey Federation, the National Chicken Council, the National Pork Producers Council, National Corn Growers, the American Soybean Association, the U.S. Rice Federation, American Feed Industry, United Egg Producers, and the American Sheep Industry.

I think this demonstrates that we have been able to move this legislation in a direction where we in agriculture are comfortable. I agree with Mr. PUTNAM that there is some additional work that can be done on this, and we intend

to do that. So I encourage my colleagues to support this legislation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DINGELL. I yield the gentleman 30 seconds.

Would the gentleman yield to me?

Mr. PETERSON. I will yield.

Mr. DINGELL. I would just observe to my good friend that we have talked about this before, and I have assured the gentleman that we will continue to work together to address the concerns that he and the very able gentleman from Florida (Mr. PUTNAM) have expressed their concerns about. It has been a privilege to work with the gentleman, and I thank him.

Mr. PETERSON. I thank the gentleman. And I know that he will work with us as he has through this part of the process.

Mr. DINGELL. I thank the gentleman.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio, the minority leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, here we go again. This is a major piece of legislation that was introduced last night at the Rules Committee about 12:15. Then about 9:36 this morning we saw another version of this bill introduced to replace the first version. And then at 10:50 this morning we see a third version of this same bill. Now, this may be a great bill. I have no idea. But the fact is that introducing three different versions of the bill yet this day and then bringing it to the floor some 4 hours later begins to ask the question, Did anybody read the bill?

Now, I think the chairman and the ranking member and the chairman of the subcommittee probably did read the bill and understand what's in it, but how about the other 431 of us who serve in this House who are expected to vote on this?

And my second complaint about this bill is the fact that we are considering it here in the House under a procedure where there is a whopping 40 minutes of debate, 20 minutes on each side, 40 minutes, and no amendments are allowed to be offered. We've got this major food safety bill here on the floor, and nobody gets to offer an amendment, nobody gets to have a debate about it, and nobody, clearly, has much of an idea of what's in the bill.

Now, as a longtime member of the House Ag Committee, I understand that we've got the safest food supply in the world. It's probably not perfect, but it is the safest food supply in the world, and we can do better. But to legislate in this manner under these conditions without Members having a clue about what's in the bill is not, in my view, in the best interest of the House.

Mr. DINGELL. Mr. Speaker, at this time, I am happy to yield 1 minute to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the chairman emeritus for yielding, and I thank him for his leadership in creating this bipartisan bill that passed unanimously out of our committee and is so important.

This is very personal to me. My dear friend, Nancy Donley, lost her son, Alex, in 1993, her only child, after he ate ground beef contaminated with E. coli. And we heard testimony from people whose children have died and whose family members and loved ones have become sick and died.

Finally, we are able to pass, in a bipartisan way, an overhaul of our food safety system. And so I am pleased to be able to join in this bipartisan agreement to support this legislation. I am also glad that it includes some language directing the FDA to examine antibiotic resistance as it relates to the food supply. I hope we will continue to move forward.

But I urge all of my colleagues to take this great opportunity so never again do we have to look at a victim, a family member of a victim or someone who has died because food that they believed was safe actually killed them. Let's vote for this.

The SPEAKER pro tempore. The Chair will note that the gentleman from Michigan has 4½ minutes remaining, the gentleman from Texas has 2 minutes remaining, and the gentleman from Oklahoma has 1¼ minutes remaining.

The gentleman from Oklahoma is recognized.

Mr. LUCAS. Mr. Chairman, I rise to yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as a member of the Agriculture Committee, I rise in strong opposition to this bill. We all agree that food safety is an extremely important issue, and improvements can be clearly made to our system, but this legislation concerns me for a number of reasons.

First of all, it will do little to actually increase food safety, and it will add new burdens to many small businesses and farms across the country. One provision this bill contains is an expanded registration requirement which creates a license to be in the food industry. The license is expensive, and the provision will make it unlawful to sell food without it. And this bill would have significant impacts on agriculture sectors, particularly with fruits and vegetables.

Fundamentally, I take issue with this legislation because it opens our farms to the Food and Drug Administration. Farms and agricultural activities are already regulated by the USDA. The FDA does not, and should not, have jurisdiction over farms or agricultural practices.

Good policy makes for good politics, and that can only occur with a real, full debate on this issue, which would occur if this bill would have stayed within the jurisdiction of the Agriculture Committee.

I urge my colleagues to vote ''no'' on this misguided legislation.

Mr. DINGELL. Mr. Speaker, I am the last speaker on this side, so I am going to reserve my time, but I want to yield 2 minutes to my dear friend, Mr. BARTON. And I want to commend him for his courage, his decency, and the extraordinary way in which he has worked with the distinguished Agriculture Committee and its great chairman, and also with me and the Democrats. We are handling this bill the way it should be handled, in a proper bipartisan fashion, and I want to commend him.

Mr. BARTON of Texas. I want to inquire of the Chair, with his yielding, I have 4 minutes; is that correct?

The SPEAKER pro tempore. The gentleman now has 4 minutes, yes.

Mr. BARTON of Texas. Thank you, Chairman DINGELL.

First, I want to acknowledge the strong staff work on both sides on this legislation. It has been a debate whether we would get the bill to the floor or whether Rachel Sher would have her baby first, and I am proud to report that we have gotten the bill to the floor. So we are birthing the food safety bill before she gives birth to another lovely human being.

What our minority leader said just a minute ago is absolutely true in the technical sense about different versions of the bill being introduced at different times, but that is not all of the story, as Paul Harvey used to say in his radio commentary. Those different versions have been introduced in the last day because of changes that I have asked for and other Republican Members have asked for to improve the bill at the request of Congressman LUCAS and his staff on the Agriculture Committee. We have been improving the bill to make it more supportive of agriculture.

I want to read part of a letter that we just got today from the Sheep Industry, the Cattlemen's Association and the Pork Council. It says: ''America's livestock and poultry producers support the tightening of language recognizing the U.S. Department of Agriculture's authorities regarding products, facilities and farms raising animals from which meat and eggs are regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act or the Egg Products Inspection Act. There have also been great improvements made to the traceability language, the recordkeeping provisions, as well as a more targeted approach for the new authority granted to the Food and Drug Administration to prohibit or restrict the movement of food. We also appreciate the strengthening of language that requires the Secretary of Health and Human Services to consult with the Secretary of Agriculture.''

All of these changes were made at the suggestion of Congressman LUCAS and his staff, working through myself and my staff, through Mr. WAXMAN and Mr. DINGELL's staff.

This is a strong food safety bill. This is a necessary improvement to food

safety. We have had outbreaks in the last several years in the peanuts industry, in the pepper industry, and in seafood products that have been imported. We need to bring the FDA authority into the 21st century.

I want to specifically go through some of the things that we have done with regard to agriculture. This bill does not require farms to register with the FDA. Under section 415 of the Food, Drug and Cosmetic Act, farms are not considered facilities, therefore, they do not have to register with the FDA.

This bill does not require farms to pay a registration fee. This bill does not apply to livestock and poultry. This bill does not apply to USDA-regulated farms, facilities and products. This bill allows farms to be exempted from traceability requirements and greatly limits access to records. This bill exempts specifically grains and related commodities from produce standards. This bill does not apply to farmers markets.

So I understand that my friends on the Ag Committee did not have a legislative markup of this bill; they should have, I understand that. I have been in a situation in the Energy and Commerce Committee this year on the climate change bill and the health care bill where we on the Republican side have not been allowed to negotiate in the room. But on this bill, in this case, Chairman WAXMAN, Chairman DINGELL, Chairman STUPAK and Chairman PALLONE have worked with myself and Mr. DEAL and Mr. SHIMKUS and Mr. WALDEN and others. We have had an open, bipartisan process. We've had hearings going back to the prior Congress.

The process is fair on this bill. The product is fair on this bill. We do need an improved food safety bill.

I strongly recommend a ''yes'' vote on this legislation.

The SPEAKER pro tempore. The gentleman from Oklahoma has 15 seconds remaining.

Mr. LUCAS. I yield the entire sum to myself, Mr. Speaker.

I want to thank the chairman emeritus of the Energy and Commerce Committee and the ranking member, Mr. BARTON. You were kind to help us. You were kind to work with us. But the bottom line is the minority party of the Ag Committee should not have to go to the Energy and Commerce committee to work on an ag-related section of the bill.

Thank you, gentlemen. I appreciate you. But you shouldn't have had to have done it.

The SPEAKER pro tempore. The gentleman from Michigan has 2½ minutes remaining.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of the time to close.

Mr. Speaker, this is a bipartisan bill. It has been worked on long and hard by three committees, including the Ways and Means. The chairman, Mr. RANGEL, and subcommittee chairman, Mr. LEVIN, have been extremely cooperative in resolving questions between the two committees.

I would note that staff at all levels of our committee, in the minority and on the majority—Rachel Sher and Eric Flamm—have been of enormous value in these discussions.

The complaint made by my colleague about exclusion of Members I can't comment on. I can only say we have tried to include everybody in this process as much as we could, and we have brought in industry, which supports the bill. But more importantly—and I say this to my friend with affection and respect—the reason for a lot of the changes that they're talking about have been that, right up to the time that we have brought this bill to the floor, we have sought to see to it that we included everyone and took advantage of the wisdom of all the Members that we could possibly take advantage of.

The legislation will address from the point of origin to the consumer's table. It will enable us to get at unsafe foods, not just in this country, but in China, in India, and other places where these foods are coming in. It will provide Food and Drug with the resources they need to address these problems in terms of personnel and money. It will also keep their laboratories open. More importantly, it will see to it that the public comes first, and for the first time in years, know that the foods that we are bringing into this country and that are being made available to the American people are in fact safe. No major reviews of the food provisions of the Food and Drug Act have been done since 1938, and, as was wisely pointed out by my colleagues, some not back to 1912.

This is an important step which will protect the American people, who are today being killed, sickened, and hurt by unsafe foods brought in by unscrupulous people.

□ 1500

It will do something more than this. It will protect the American food industry, the processors, the manufacturers, and the growers, against unfair competition in places like China where they are adding melamine to food and delivering patently unsafe food.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Food Safety Enhancement Act of 2009. This bipartisan legislation will address and reform the shortcomings in our food supply system.

Serious gaps have been exposed in the Food and Drug Administration's ability to protect the American public due to recent outbreaks and recalls of food-borne diseases in spinach, peanuts, peppers, and other foods that many Americans depend on daily. These outbreaks have not only shaken consumer confidence in the industry that produces one of our most basic and important commodities, but it has also caused sickness and even death.

We need to ensure that FDA has the necessary tools and resources to fulfill its vital mission in protecting the American public from unsafe products. The Food Safety Enhancement Act will accomplish this by bringing the FDA into the 21st century so that it can address the challenges and problems created by a global food system and to prevent the causes associated with food-borne illnesses. Currently, FDA is only able to inspect approximately one percent of imported food at the border. The bill will require the FDA to inspect high-risk facilities once every six months to a year and create a system to prevent contamination of imported and domestically produced food from occurring.

Mr. Speaker, American consumers should not live in fear of the food they eat. I want to thank Chairman WAXMAN and Chairman DINGELL for their leadership on this very important issue. I urge my colleagues to join me in supporting this much-needed legislation.

Mr. HOYER. Mr. Speaker, I rise in strong support of the Food Safety Enhancement Act of 2009, and I thank Chairman Emeritus DINGELL, Chairmen WAXMAN, PALLONE, and STUPAK, and Representatives DEGETTE and SUTTON for their hard work to bring it to the floor today. This bill gives the Food and Drug Administration the authority and resources it needs to ensure that all Americans can be confident that the food they are putting on their family tables is free of contamination.

A string of recent food safety scares shows that this bill is overdue—from the discovery of E. coli in spinach to salmonella in peppers and peanut butter. In fact, Time magazine reports that contaminated food causes 5,000 deaths and 325,000 hospitalizations each year. Unsafe food does not only put health and lives at risk; it undermines confidence across the board and poses a real threat to Americans' trust in our food industry. And that lack of trust is harmful to both families' peace of mind and the food industry's economic future. So it is in the interest of consumers and industry alike to see safety regulations faithfully enforced.

This bill speeds up the inspection schedule, ensuring that the FDA checks up on high-risk food facilities every six to 12 months, and on lower-risk facilities at least once every 18 months to three years. It requires all food facilities operating in the U.S. or exporting to the U.S. to develop and submit food safety plans. It strengthens safeguards against unsafe imported food products. And it provides for a faster, more effective FDA response in case we do see a food emergency: with an up-to-date registry of food facilities, better traceability of contaminated food, and stronger authority to quarantine and recall dangerous products, the FDA will be empowered to take quick action that can nip outbreaks in the bud and save lives.

These steps, and more, combine to make this what many have called the most sweeping reform of food safety laws in 50 years. One only needs to watch the news to see that this reform is highly needed. I urge my colleagues to support it.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in support of the Food Safety Enhancement Act of 2009, and commend Chairmen WAXMAN, BARTON, PALLONE, DINGELL, DEAL and STUPAK for all of their bipartisan and extensive work on this important legislation.

The Food Safety Enhancement Act is a critical part of protecting the health and wellbeing of our citizens from food-borne illnesses and negligent food manufacturers. This bill strengthens the FDA's oversight of our nation's food supply by increasing inspections,

improving traceability, and empowering the agency to order mandatory recalls when necessary.

The FDA is responsible for the safety of 80 percent of our nation's food supply, but only has the resources to inspect food-manufacturing facilities once every 10 years. Over the past several years we have seen an increase in outbreaks of Salmonella, resulting in recalls of tainted food, health problems, and sadly, deaths. The FDA under the Bush Administration failed to take the steps necessary to ensure the safety of our food supply, but this bill, which was approved by the Energy and Commerce Committee with bipartisan support, will change that.

I am pleased that the bill we are considering today also includes a modified version of my bill, the Ban Poisonous Additives—or BPA Act.

BPA is a ubiquitous chemical found in most food and beverage cans and many reusable plastic containers. It was also found in most baby bottles until recently, when major baby bottle manufacturers agreed to voluntarily stop using it because of concerns about its effects on health, which are many: BPA can be linked to increases in breast and prostate cancer risk, heart disease, liver abnormalities and diabetes; BPA can result in adverse impacts to reproductive health; BPA can be linked to increases in obesity, attention deficit and hyperactivity disorder, brain damage, altered immune function and other problems; BPA can be found at dramatically higher levels in infants than in the rest of the population, and is also found in placental tissue and umbilical cord blood; BPA has been found at higher levels in women with a history of repeated spontaneous miscarriages; and BPA has been shown to alter the effectiveness of chemotherapy in cancer patients.

The Food Safety Enhancement Act of 2009 calls on FDA to evaluate the approved uses of BPA in food and beverage containers and to tell the Committee on Energy and Commerce whether each use is safe by the end of this year. If FDA finds that BPA isn't safe, it is additionally directed to tell Congress how it plans to protect public health—which could include banning the chemical as well as efforts such as placing warning labels on products that contain it so that the most vulnerable populations will be better able to avoid it.

Not all industries are as receptive to addressing health concerns as the baby bottle manufacturers were. In fact, just recently, the food and packaging industry convened a meeting in Washington at which they devised an expensive public relations claim to combat their consumer confidence crisis. They even concluded that their "holy grail" spokesperson would be a pregnant woman who could publicly extol the virtues of BPA, and thought about how to create fears that its removal would lead to scarce or unsafe food products.

Although the baby bottle manufacturers' voluntary action and a variety of State laws banning its use are helpful, what we really need is federal leadership on this vital public health issue, and I am pleased that the FDA has commenced a scientific review of all the data. The language in this bill will ensure that the review occurs quickly and that appropriate steps will be taken to protect public health.

I thank my colleagues for working with me to craft this compromise provision, and I urge support for the underlying bill.

Mr. WAXMAN. Mr. Speaker, I submit the following exchange of of letters:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 27, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Ways and Means applauds your efforts to improve and ensure the security and safety of food offered for consumption and consumed in the United States and appreciates your willingness to work with us to satisfactorily resolve a number of trade-related issues falling within our jurisdiction. Such issues include the regulation of importers and brokers, Customs and Border Protection (CBP) implementation and enforcement of U.S. laws, and compliance with U.S. international trade obligations. In particular, we appreciate your efforts to address our concerns with respect to sections 204 and 205 of your bill, H.R. 2749, the Food Safety Enhancement Act of 2009, regarding the registration of importers and brokers, respectively.

In light of the agreed upon changes, the Committee will forgo action on this bill and will not oppose its consideration on the Suspension Calendar. These changes ensure that the application of the Food Safety Enhancement Act on the registration of importers is carried out in consultation with CBP, taking into consideration time needed for CBP and importers to make necessary adjustments to comply with the new requirements of the Act, and that the registration of customs brokers is consistent with and does not extend beyond current requirements set forth in current law, including granting new authority to any other agency to regulate customs brokers.

This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or the full exercise of its jurisdictional prerogatives on this bill or similar legislation in the future.

The Committee intends to look for opportunities to improve the safety of imported food and the safety of imported goods overall, in accordance with the existing statutory and regulatory scheme under CBP. We look forward to soliciting your suggestions for reform.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 29, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2749, the "Food Safety Enhancement Act of 2009." I appreciate your work and thoughtful input on this bill.

Your letter noted that certain provisions of the bill are within the jurisdiction of the Committee on Ways and Means. The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Ways and Means in this bill. We appreciate your agreement to forgo action on the bill, and I concur that this agreement does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future.

As the bill moves through the legislative process, we will continue to work with you to ensure that the concerns raised by the Committee on Ways and Means have been addressed to your satisfaction. I will include our letters in the Congressional Record during consideration of the bill on the House floor.

Again, I appreciate your cooperation regarding this important legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 28, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 2749, the Food Safety Enhancement Act of 2009, which may be considered this week on the floor, and which contains provisions within the jurisdiction of the Committee on Agriculture.

I would note that our Committees have had a history of working cooperatively on matters that generally concern food safety. In order to permit floor consideration of this bill, the Committee will forgo action with the understanding that it does not prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2749, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration on the House floor.

Sincerely.

COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 29, 2009.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 28, 2009, indicating your jurisdictional interest in H.R. 2749, the Food Safety Enhancement Act of 2009. I acknowledge that the bill contains provisions within the jurisdiction of the Committee on Agriculture, and appreciate your willingness to work with us to permit consideration of this bill, which will enhance food safety for all Americans. I understand that this action will in no way waive your Committee's jurisdiction in the subject matter of the legislation.

Furthermore, in the event that a conference with the Senate is requested on this matter, I would support naming Committee on Agriculture Members to the conference committee. A copy of our exchange of letters regarding this bill will be inserted into the Congressional Record during floor consideration.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 2749, the Food Safety Enhancement Act.

Over the past year or so there have been several high profile food contamination incidents in the U.S. involving: spinach, cantaloupes, peanut butter, and tomatoes.

Congress has diligently investigated all of these incidents and found FDA simply does not have the resources, funding, manpower, or technology it needs to protect the American food supply and fulfill its mission.

This bill finally gives the FDA the authority to conduct mandatory recall. We should not to rely on the voluntary efforts of food manufacturers to ensure the safety of their product.

H.R. 2749 will also require the FDA to inspect high-risk facilities once every six months to a year. FDA now inspects food production facilities once a decade on average.

The one shortcoming of the bill is that funding is not dedicated to the creation of additional FDA labs, but it does allow for third party inspection by accredited labs.

The Port of Houston does not have an FDA lab and in fact there is no FDA lab in the entire state of Texas even though we share the longest border with Mexico.

Right now, the FDA is only able to inspect approximately 1 percent of imported food at the border. With its level of trade and southern border with Mexico, it is a glaring hole in the system that Texas does not have an FDA lab. In fact, there are over 300 ports of entry in the U.S. and only 13 ports actually have FDA labs.

It is my hope that we will be able to provide additional funds for the creation of these labs in the future.

H.R. 2749 provides some of those funds to get the FDA moving in the correct direction, and we will have to appropriate more, but I am happy the Food Safety Enhancement Act finally gives the FDA the authority and improved systems to protect our food supply.

I am pleased that after two years of hard work we will finally be moving a comprehensive food safety bill out of House.

I want to commend Chairman Emeritus DINGELL, Chairman WAXMAN, Chairman PALLONE, and Chairman STUPAK for their continued and dedicated work on this issue.

Mr. MATHESON. Mr. Speaker, I would like to thank Chairman WAXMAN and especially Chairman Emeritus DINGELL and his staffer, Virgil Miller, for their work to include an amendment I authored regarding lead in ceramic ware.

A couple years ago in Utah, a young mother used ceramic plates to heat her food in the microwave. Her infant became very sick. Doctors discovered that the baby was suffering from lead poisoning because lead had leached out of the ceramic plates she used. Most of us are unaware of this risk and most people don't know that lead can leach out of ceramic ware when the glaze is improperly fired or when the glaze has broken down over time. When lead is released into food and drink from ceramics, hazardous levels can contaminate food substances and expose children and adults to toxic levels.

FDA regulates the lead levels of ceramic ware and has set acceptable levels of lead-allowed ceramic ware used in food preparation and currently has a safety warning designating ceramic items not intended for food use. However, there is currently no label alerting consumers that the ceramic products they purchase for food use/preparation (i.e. plates, cups, etc.) contain any lead.

My language requires labels on plates and packaging for ceramic ware/cookware containing lead for an intended functional purpose. It focuses on the glazing because all ceramic ware has trace amounts of lead in clay and those trace amounts do not contribute to lead poisoning. Problems arise when ceramicware contains lead-based glaze that is either fired incorrectly or contains high amounts of lead (above safe levels).

This language doesn't affect ornamental plates or decorative ceramics, which are already regulated by FDA and which are not considered safe for food use because of their lead levels.

Finally, my provision requires FDA to set up an educational program on its website to further educate consumers about these issues and about safe practices.

I am hopeful that these measures will enable us to better protect children and families from the potential problems caused by incorrectly fired ceramic ware and lead leaching from ceramics.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 2749, as amended.

The question was taken.

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

Mr. BARTON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by 5-minute votes on suspending the rules and passing:

H.R. 1665, if ordered; and

House Resolution 373, if ordered.

The vote was taken by electronic device, and there were—yeas 280, nays 150, not voting 3, as follows:

[Roll No. 657]

YEAS—280

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maffei
Maloney
Marchant
Markey (MA)
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Peters
Peterson
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth

NAYS—150

Aderholt
Akin
Alexander
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Bean
Bilbray
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves
Griffith
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hinchey
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kind
King (IA)
Kingston

Kline (MN)
Kratovil
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Perriello
Petri
Pingree (ME)
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Royce
Ryan (WI)
Salazar
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Thompson (PA)
Thornberry
Tiahrt
Wamp
Welch
Westmoreland
Wilson (SC)
Wittman
Woolsey
Young (AK)
Young (FL)

NOT VOTING—3

Davis (TN)
McCarthy (NY)
McHugh

□ 1529

Messrs. WAMP, DAVIS of Kentucky, BROWN of South Carolina, WELCH, Ms. BEAN and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Messrs. MARCHANT, TERRY, ROGERS of Kentucky, ROSKAM, BUYER, CAO, FRELINGHUYSEN, GINGREY of Georgia and Mrs. BACHMANN changed their vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

COAST GUARD ACQUISITION REFORM ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1665, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 1665, 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. 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 426, noes 0, not voting 7, as follows:

[Roll No. 658]

AYES—426

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
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
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
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
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
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
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
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—7

Abercrombie
Bonner
Cooper
Davis (TN)
McCarthy (NY)
McHugh
Schrader

□ 1537

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.

SUPPORTING NATIONAL HYDROCEPHALUS AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 373.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 373.

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

A motion to reconsider was laid on the table.

FISCAL SOLVENCY OF CERTAIN TRUST FUNDS

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3357) to restore sums to the Highway Trust Fund and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3357

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

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

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

''(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund $7,000,000,000.''.

SEC 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to ''Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds'' in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 754) is amended by striking ''to remain available through September 30, 2010'' and all that follows (before the heading for the following item) and inserting ''such sums as may be necessary''.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to ''Federal Housing Administration—Mutual Mortgage Insurance Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 966) is amended by striking ''$315,000,000,000'' and inserting ''$400,000,000,000''.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to ''Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 967) is amended by striking ''$300,000,000,000'' and inserting ''$400,000,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair now recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks on the bill H.R. 3357, as amended.

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

There was no objection.

Mr. LEWIS of Georgia. I yield myself such time as I may consume.

Mr. Speaker, transportation is one of the most important issues in our country, so I am proud to have served on both the Ways and Means Committee and on what was then the Public Works and Transportation Committee.

I would like to thank Chairman RANGEL and Chairman OBERSTAR for their leadership on this important issue.

The bipartisan bill before the House today will provide the necessary funds to keep important transportation projects operating in States around the country. As we all know, the Highway Trust Fund will run out of funding by September. We must act, and we must act now.

In 1998, Congress passed a highway bill that took more than $8 billion out of the trust fund and put it in the Treasury. In addition, Congress stopped the Highway Trust Fund from earning interest on its investment. If these steps had not been taken, the balance in the Highway Trust Fund would be nearly $20 billion more than it is now.

□ 1545

Last year we transferred $8 billion back, and the legislation we are considering today would transfer $7 billion more.

I want to be clear, Mr. Speaker. No new money is spent under this bill. This bill should keep the Highway Trust Fund fully funded until 2009. If we fail to act today, our people, our States, and our economy will be harmed. In Georgia, where unemployment is already above 10 percent, we cannot afford to lose another 8,500 jobs because of failure to act.

Last year, all sides understood how critical highway funding is to our economy. I hope the legislation we are considering today will enjoy similar bipartisan support. I urge all of my colleagues on both sides of the aisle to support this important legislation.

I reserve the balance of my time.

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

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

Mr. CAMP. Last week, we appropriated an unlimited amount of general funds to the unemployment trust funds throughout fiscal year 2010, which starts in October, and today we're doing the same thing for the last 2 months of this year, ensuring these funds don't run out while Congress is on district work period. Both actions are needed because the Democrats' economic policy has resulted in record job loss, record deficits, and none of the job creation they promised.

Democrats predicted unemployment would top out at 8 percent if the stimulus passed; instead, it's 9.5 percent and rising. In Michigan, it's above 15 percent. There are now a record 9.2 million collecting unemployment checks instead of paychecks. That's 1.1 million more than when the stimulus was passed. So if the stimulus is stimulating anything, it's record unemployment, not jobs.

Where are the jobs? Americans can surely see the record unemployment, but they cannot see where the jobs are. That's because millions of jobs are disappearing, not being created. What's more, since President Obama was sworn in, the Nation's public debt and unemployment, combined, has risen by a shocking 40 percent. And that's before literally trillions of dollars in additional spending under the Democrats' stimulus, energy, and health plans, and whatever higher unemployment lies ahead.

This bill reflects the continued failure of Democratic economic policy to save or create millions of jobs they promised that would flow quickly from their stimulus bill. More unemployment benefits instead of paychecks have led directly to more State insolvency and more Federal loans to those insolvent States. And that has drained the Federal bailout funds so much, it now needs its own bailout. That's what this bill does.

We had a choice when it came to the stimulus last February. We could have chosen a better policy of stimulating private-sector growth creating twice the jobs at half the price. That was the Republican plan. Instead, Democrats insisted on their government focus plan, which has produced no jobs and a mountain of debt. Today, in my view, we don't really have a choice but to support this bill; otherwise, in the next 2 months, laid-off workers will not get the unemployment benefits they were promised. American workers should not be forced to pay for the mistakes and failures of the Democrats' so-called stimulus bill. So this bill is necessary.

But in the longer run, we need to work together to create jobs so Americans can receive more paychecks, not more unemployment checks.

I would also note, Mr. Speaker, that this bill provides an emergency transfer of $7 billion in the general fund revenue to prop up the Highway Trust Fund for the reminder of this fiscal year. This is not the first time Congress has had to fill a year-end shortfall in the trust fund to ensure that State highway projects can go forward. And unless we get serious about enacting long-term structural reforms as we move ahead with the next reauthorization bill, it surely won't be the last bill, either.

I don't think anyone in this Chamber thinks that yet another short-term general fund transfer is the ideal solution to these chronic shortfalls, and I certainly hope that going forward, the majority focuses its attention on long-term structural reforms and not just on higher and higher spending levels.

With that, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Minnesota, the Chair of the Transportation Committee, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentleman for the time and his leadership on this issue and Mr. NEAL, the Chair of the subcommittee, who spent a great amount of time in hearings last month and this month on the current status and future of the Highway Trust Fund.

I would just like to underscore, in response to the gentleman from Michigan, we share the pain of the drop in VMT on the miles traveled throughout the Nation and the consequent loss of revenue in the Highway Trust Fund. It started in 2007, and by 2008 we had registered, for the first time in the history of the Highway Trust Fund and the interstate highway program, a drop of

60 billion vehicle miles traveled. That had never happened before in the history of the Highway Trust Fund because of the condition of the national economy.

We are beginning to recover. We're beginning to see the statistics going in the right direction. VMT, reported by the Department of Transportation on a monthly basis, shows increases in January, February, March, April, and May. And all of the indicators, the rural interstate, the rural arterial, rural NHS, National Highway System rose, the urban interstate. All are a percentage, a small percentage, but percentage increases over the months a year ago.

There are two indicators that are down. Urban arterial and various urban roads are down about a half percent and 1.3 percent, respectively. The trend is in the right direction. I regret, too, that we have to take this step. We should have spent this week passing the committee's bill for the future of surface transportation. We do have a bipartisan product.

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

Mr. LEWIS of Georgia. I yield the gentleman another 1 minute.

Mr. OBERSTAR. And I welcome the support of the gentleman from Michigan for that initiative. It will address the long-term future, the 6-year future of transportation. It will totally transform the Department of Transportation, Federal Highway Administration, Federal Transit Administration, make it easier to move projects into operation, and much more that is in our 775-page bill. We will do that in September.

This is an infusion, not an extension. We are not standing for the wish of the other body or of the administration for an extension of time. We're not going to let that happen. This committee has done and will continue to do its work in a partnership within our committee. And I hope the bill comes to the floor within the entire body.

Meanwhile, this $7 billion infusion will carry the trust fund through the end of the fiscal year and into October against any unforeseen drop in VMT or loss in revenue into the trust fund. I think the trends are all in the right direction and that we are not going to be losing revenue.

Mr. Speaker, I rise today in strong support of H.R. 3357, to restore sums to the Highway Trust Fund.

This legislation, introduced by Chairman RANGEL, Chairman OBEY, and me, includes a provision restoring $7 billion to the Highway Account of the Highway Trust Fund to ensure that the U.S. Department of Transportation (DOT) can meet its existing commitments under the Federal-aid Highway program.

According to DOT, the Highway Account of the Trust Fund may run out of cash as early as the beginning of September and may not have enough funding to fully reimburse States for their Federal highway investments.

This situation makes clear that we have reached the logical conclusion of the course set by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Unfortunately, the legacy that has been left for users is an over-extended Trust Fund, uncertainty, and potential funding cuts.

SAFETEA–LU intentionally put the Highway Trust Fund on the path to a zero cash balance. Recent declines in vehicle miles traveled due to high fuel prices and the weak economy have merely exacerbated a pre-existing imbalance between Trust Fund revenues and expenditures that was created by SAFETEA–LU.

The previous administration's unwillingness to make hard choices has left the 111th Congress, and particularly the Committee on Ways and Means and the Committee on Transportation and Infrastructure, with the unenviable task of finding a way to finance the existing program level, in addition to much-needed increases in investment.

Since taking office, the Obama administration has implemented a system to closely track actual Trust Fund revenues, outlays, and balances, and has been communicating with Congress the need to take steps to address this situation before we reach the crisis point.

According to DOT, by September 4, the Highway Account will not have sufficient funds to fully reimburse States for highway projects (−$285 million), and DOT will immediately begin rationing reimbursements to States, creating cash flow problems for States and significant uncertainty for the future of the program.

By October 1, DOT estimates that, without action by Congress, the Highway Account balance will be −$1.9 billion.

However, this shortfall amount is only an estimate and the estimate is subject to a series of revenue and outlay adjustments that occur in August and September that could cause negative adjustments to the Trust Fund balance, including: the "true-up" of the account in which the Trust Fund will have to reimburse the General Fund if previous payments of estimated fuel taxes into the Trust Fund are greater than the taxes actually owed; the annual mid-session review of the President's Budget which updates economic assumptions and can affect vehicle miles travelled estimates; the receipt of actual revenues and outlays that differ from DOT's current estimates; and the need to maintain a minimum balance in the Trust Fund to continue daily reimbursements for the States.

In fact, last August, reconciling Trust Fund revenue receipts with prior revenue projections caused a downward adjustment in the Trust Fund balance of −$3.2 billion.

While such a dramatic swing in Trust Fund revenues is unlikely under the procedures adopted by the current administration, restoring $7 billion to the Highway Account of the Trust Fund will cover the projected shortfall and provide a cash balance to offset any additional shortfall if the DOT estimates are in error.

Failure to act will mean that the Federal Government will be unable to pay all of the bills submitted by the States for reimbursement under the Federal-aid highway program. If that were to occur, under current law, the Federal Government will be required to pay interest on unpaid bills.

In addition, many states would begin to experience immediate cash flow problems if they are not fully reimbursed for Federal-aid highway projects.

We must enact this critical legislation this week to avoid slowdowns or reductions in infrastructure investment, and the loss of any more American construction jobs.

Both the Congressional Budget Office and the Joint Committee on Taxation have determined that this proposal does not constitute a spending outlay, would not violate pay-go, and will have no revenue effect.

Enactment of this legislation will ensure full funding of the highway investment levels authorized by current law, and prevent devastating slowdowns or cuts in each state's Federal highway funds.

While H.R. 3357 is a short-term solution, it is essential that we resolve this immediate crisis. As we proceed with consideration of the "Surface Transportation Authorization Act of 2009", we will continue to work with the Committee on Ways and Means to develop a sustainable financing proposal to address the future of surface transportation.

I thank the gentleman from New York (Mr. RANGEL), the distinguished Chairman of the Committee on Ways and Means, for his leadership in ensuring that these funds are provided to sustain the Highway Trust Fund.

I strongly urge my colleagues to join me in supporting H.R. 3357.

Mr. CAMP. I yield 3 minutes to the distinguished gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding.

I want to join my Democrat counterpart who leads the Transportation and Infrastructure Committee, Mr. OBERSTAR, in requesting the $7 billion transfer. If we do not transfer these funds to keep the Highway Trust Fund secure through September 30, the consequences for the Nation at this time of economic difficulty would be an absolute disaster. In fact, we would close down probably every major highway transportation project in the Nation. That's how serious this is.

Unfortunately, as the Republican leader of the Ways and Means Committee, Mr. CAMP, said, we've been here and, unfortunately, had to do this before. This is the second bailout of the fund.

Mr. OBERSTAR has been working nonstop for months even before this session of Congress to bring forth a responsible bill. We've tried to act in a bipartisan administration. The day that we were about to announce our policy and plans for reauthorization, the administration came in and undermined the whole effort with an 18-month extension.

We need the transportation bill now. Unfortunately, we need this gap of money through September 30 or we will really see economic difficulty across this land. So this is a Band-Aid approach. I'm sorry that we have to do it. I know there are some Members that are concerned about this. We do need a long-term solution. We will work together to get that done. The minute this passes, we'll continue our efforts.

But if we do not act, it will have devastating consequences in every one of the States across this Nation as far as closing down transportation projects

and closing down jobs at the most difficult time in the country's recent economic history.

So I want a long-term solution. I join Mr. OBERSTAR in requesting that we pass this measure. And unfortunately, we are put in this position of being between a rock and a hard place.

I would be glad to yield to the chairman.

Mr. OBERSTAR. Thank you for yielding.

Mr. Speaker, I want to compliment my colleague on the committee, Mr. MICA, for the splendid partnership we have had personally and staff-to-staff in crafting this bill, and the gentleman has stated the case right on. And were it not for the intrusion of the administration, we would be on the floor this week with that 6-year authorization. And I thank the gentleman for that splendid partnership that we have had.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington, the Chair of the Income Security Subcommittee of the Ways and Means Committee, Congressman MCDERMOTT.

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

Mr. MCDERMOTT. Mr. Speaker, this legislation will allow the Federal unemployment trust funds to receive interest-bearing loans from the general Treasury. These loans will be repaid when the unemployment trust funds once again have adequate reserves.

Currently, the single biggest draw on Federal trust funds are loans to States' unemployment programs. Eighteen States already have loan balances exceeding $12 billion, and more are expected to request assistance in the coming weeks and months. This recession, which started in December of 2007, has placed enormous strains on State unemployment programs. But truth be told, too many State programs had inadequate reserves to provide benefits even in a mild downturn. In the future, more should be done to promote long-term solvency for the unemployment system; however, right now, our mandate is to ensure that the States can continue to pay their unemployment benefits to those entitled to them.

When economists and historians look back at this moment in history, I believe one of the things they will agree, what we did right was to reach out and help those Americans who lost their jobs through no fault of their own.

Last June, we enacted the quickest ever extension of unemployment benefits relative to the start of the recession. In November, we further extended benefits to dislocated workers. And earlier this year, we enacted a historic package of unemployment insurance reforms as part of the Recovery Act, including maintaining the availability of extended benefits, increasing the weekly UI benefit amount, and providing grants to States that modernize their unemployment programs.

Under these reforms, over half the States have enacted improvements to their unemployment programs such as improving coverage for low-wage and part-time workers. In addition, over 9 million UI recipients are receiving $100 more a month as we speak in order to help buy groceries and other necessities, and 3 billion unemployed workers are now receiving extended benefits.

The SPEAKER pro tempore (Mr. CAPUANO). The time of the gentleman has expired.

Mr. LEWIS of Georgia. I yield an additional 1 minute.

Mr. MCDERMOTT. Many of our economists, as well as the stock market, believe our economy is now turning the corner to more prosperous days. Helping the unemployed has been a crucial part of the path to that recovery. But millions of jobs will not be restored overnight. We will continue to ensure a real safety net for the jobless Americans, and I expect Congress will continue this work in the fall.

□ 1600

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the ranking member.

Look, it is too bad that we have to be here now. This is another Band-Aid. It is a necessary Band-Aid, unfortunately, to fix the Transportation trust fund. But it is imperative that we fix this trust fund once and for all.

Now, let me tell you, Chairman OBERSTAR has been working on a bill, a bipartisan bill. He has been working on it for a long, long time; and because of his leadership, his committee, along with Ranking Member MICA, are ready to go. They are ready to go. We are ready to go. I am privileged to be on that committee. They are ready to go right now.

Again, it is unfortunate that we are not doing that, because we also can't afford to lose any more jobs. And there is one thing we all agree on, that one way to create jobs is through transportation infrastructure. Unfortunately, we are not doing that.

It is pretty evident that the so-called stimulus bill has proven to be a dismal failure. That is why I introduced legislation to rescind the unspent stimulus money, so-called stimulus money, the nontransportation, unspent stimulus money, and put it into the DOT trust fund; to not continue to borrow more money and put more borrowing on our kids' and grandchildren's credit cards.

But, unfortunately, we are not discussing that either here today. Instead, we continue to waste billions of dollars and more, frankly, on the so-called stimulus, which is nothing more than a sham. We need to invest it in real job creation, focus on real job creation; and among the things that create jobs is transportation and infrastructure.

So, again, I hope that we finally get down to business. This is a Band-Aid. But we are ready to continue to work to fix this, to really fix it. One way to do it, while not indebting this country further, is to use those unspent stimulus moneys, to take away that sham and put it in transportation funding that will create jobs and help the country.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), the Chair of the Select Revenue Measures Subcommittee of the Ways and Means Committee.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank Mr. LEWIS for bringing this legislation to the floor. I am in full support of this proposal, and I want to speak additionally in support of the transfer of the Highway Trust Fund as it appears before us.

None of us would like to see pink slips issued around the country at vital road and bridge building projects, including about 4,000 jobs in Massachusetts. We are doing our best to create more of these jobs, not to end the current ones.

Last week, my subcommittee, the Select Revenue Measures Subcommittee, held a 4-hour, four-panel hearing on long-term financing options for the Highway Trust Fund. The consistent statement we heard was that States are desperate for funding.

We heard that roads and bridges are deteriorating at such a pace that current funding will not cover the maintenance, let alone the improvements that are needed. That is why our colleague, Mr. OBERSTAR, has pushed for a short-term patch while we continue to sort out the longer-term solutions for our transportation infrastructure. I am in support of the Oberstar position.

I understand the hesitance of some our colleagues to talk about increasing fund revenues in this economy. I want to assure you, they will be at every groundbreaking and they will be at every ribbon cutting, even though they question the financing we propose down the road.

But the reality of this situation is simple: we need to pay for these repairs. There were a variety of proposals discussed at our hearing, last week, good ones, by Republicans and Democrats. Good options were offered: tolls, vehicle miles traveled, excise taxes, the gas and diesel tax, among other ideas.

I want to say of interest, the United States Chamber of Commerce last week proposed a 10 cent increase in the gasoline tax for many of these long-term needs. I think that in and of itself speaks to the bipartisan nature of what we are trying to do now, and I hope in about another month a long-term proposal as well.

Now, whether these proposals are through triggers, indexing or commissions, we need to start working on the long-term plan in whatever politically feasible way we can find a way forward. Kicking the can down the road on infrastructure needs will not work. Our

highways, our roadways, our airports, our bridges and our railroads are all in need of an infusion of public support. We all ought to be able to agree on that basic responsibility as Members of this House.

As one witness told us last week, the costs of delaying the longer-term bill are higher than the costs to pass it. A reminder as well, there is an opportunity in this atmosphere with the downturn to get some great pricing, and we should take advantage of that as well.

So I want to urge support of this proposal today, and I hope it takes us on to a longer-term solution.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Here we are again: the second bout of highway robbery, taking money back into the trust fund from the general Treasury. We are told, well, sometime back in 1998, some money was taken from the trust fund into the general fund, so this is just payback.

How many times can we keep saying that? It may have made some sense the first time. It doesn't the second time. It won't the third or fourth time we do this. Yet we are told we are bemoaning the fact we don't have the reauthorization on the floor this week.

Thank goodness we don't. If you think we overspent what we had in the trust fund before, we are really going to do it the next time. A bill has been proposed that has twice the spending we currently have in the Highway Trust Fund, without revenue to pay for it. We don't have the revenue to pay for the one we have got. How can we double it with no revenue source?

Let's get serious about things here. If we really need a place for the money to come from, I would suggest, as the gentleman did before, take it from the stimulus. But part of the problem is that we are spending for things in this bill, or in the highway program, that are probably worth spending some of the things we have seen in the stimulus.

In the current highway program that we are taking money from the general fund to now fund, there is $3 million for a parking garage in suburban Chicago; $1.6 million for a bike path in Wisconsin; $1.2 million for improvements in the Blue Ridge Music Center in Virginia; $1 million for improvements to the Police Touch Museum in Pennsylvania. Why don't we rescind some of these programs in the highway bill, and we won't have to take so much money from the general fund?

We can't continue to do this, Mr. Speaker. We are spending money on a suspension bill. We are suspending the rules and passing a bill that is going to cost us $7 billion. I think the limit on suspension bills used to be something like $50 million. If it does more than that, you come under a general rule; $7 billion we are spending here, and it will go almost without dissent.

And that is a shame, Mr. Speaker.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. I thank the gentleman.

Mr. Speaker, I understand the desire of an individual or individuals to be professional scolds on any and every issue that comes to this floor. But the obligation that we have today is far greater than the examples that he cited.

To argue that we ought to hold up a Federal highway bill that benefits this entire Nation because of a handful of initiatives he doesn't like, the truth is he won't vote for the final bill anyway, and time and again we have rejected the proposals that he has come forward with, largely because there was a process and procedure for vetting these differences. And when we buy into the end-game solution, that is part of our responsibility as Members of Congress.

Let me close quickly on this note. One of the reasons that our highway system is the envy of the world is because we have not given in to the temptation to fall easy prey to demagoguery that surrounds some of these proposals. Scolding is one thing. Offering positive suggestions is quite another.

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

Mr. FLAKE. I thank the gentleman for yielding.

You know, some of us did stand up and vote against the initial authorization back in 2005, I believe it was, because we were told by our Appropriations Committee chairman, we don't have the money to pay for this. We knew it. Everybody knew it. But the reason that passed, we all know, is because there were 6,300 earmarks in it. You spread enough of that around and people are going to vote for it. There were only eight votes against it here in the House, three in the Senate. And we will likely do the same again.

At some point we have got to say, let's pay for it. And for a State like Arizona, let me tell you, where we give a dollar to Washington for this highway bill and only get about 92 cents back, it is not a very good deal. We would rather keep the tax money and spend it on our own. We could get a lot more infrastructure for that, and that is our complaint, more than anything.

Money is sent here, then it comes back 92 cents on the dollar, and that that does come back is restricted in ways that diminish the value of the dollar, and then it is earmarked completely. It is simply not a good deal for people around the country. So we need a new model.

Mr. LEWIS of Georgia. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee, who long has been active in highways, waterways and many environmental efforts.

Mr. BLUMENAUER. I appreciate the courtesy of my good friend permitting me to speak on behalf of this.

I listened to my friend from Arizona. The fact is the last bill was paid for, but because of the Republican refusal to right-size the trust fund, it was scaled down. But it was paid for. It wasn't right-sized for America. Mr. OBERSTAR and the committee are working to try to do this.

I hope this is the last time we come to the floor to deal with the short-term deficit in the Highway Trust Fund; but, unfortunately, we are going to come back again. Mr. OBERSTAR and his Chair, my good friend Mr. DEFAZIO, have been working for months on a new vision for transportation; and I hope we have that on the floor sooner rather than later.

Along with this is the notion of how we squeeze more value out of each Federal dollar invested. That is part of the work of the new Department of Transportation. It is part of what the committee is working on, and we as Congress need to be involved with that.

New vision, more value, but, frankly, we are going to need more money. We haven't raised the gas tax since 1993. There aren't the resources available to meet what we are seeing in every community across the country. That is why there is a consensus that is building, as Mr. NEAL said, from the chamber of commerce, to the garden club, to the Sierra Club, unions, environmentalists, local government officials, Republican and Democrat alike, who say come forward with a long-term funding proposal.

What we are going to have to do sometime this decade is increase the gas tax for inflation. What we are going to have to do sometime this decade is have a new mechanism in place that is a true user fee that will enable us to match the people who use the roads or the people who benefit with the financing.

This is within our capacity. And this is one area where I hope that we can get past some of the partisan bickering.

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

Mr. LEWIS of Georgia. I am pleased to yield to the gentleman an additional 1 minute.

Mr. BLUMENAUER. Thank you, sir.

I hope that every Member will take the time to go back to their districts this next month and talk to the local chamber of commerce, talk to local government, talk to local business people that are attempting to solve these problems, and find out the support there is for Congress to be able to move forward with a broader vision for finance. It is there, if we will do it. And if we do, it is going to have more long-term impact on the financial health of this country than anything else that we will do.

I urge people to do their homework at home so they can come back and

support the financing that is necessary for the long-term vision that Mr. OBERSTAR and Mr. DEFAZIO will give us in the months ahead.

□ 1615

Mr. CAMP. I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Michigan for the time.

Mr. Speaker, I rise in reluctant support of this bill. I also rise to point out that what we're doing today, in considering the increase for the Highway Trust Fund, is exactly what I sought to do last week through an amendment presented to the Rules Committee. My amendment was aimed at employing a little common sense and transferring excessive resources in the rapid rail appropriations to the much-needed resource category in the Highway Trust Fund. I was seeking to transfer to the trust fund $3 billion of the $4 billion that is currently in the rapid rail appropriations in the House version of the FY 2010 transportation appropriations bill. That amendment would have left the $1 billion for rail that the President had requested. As things now stand, the $4 billion on top of the $8 billion in the stimulus package remains in the rail account, and at least $2 billion of that is parked for a future infrastructure bank, which is only just an idea, no authorization, nothing. It may be at least a year, and probably much longer, before any of these funds can be spent; and the Highway Trust Fund needs money now, which is what I said last week.

Had my amendment been made in order, it would have passed and been offset. Had it passed, we would be dealing with a much smaller amount today. Unfortunately, the Rules Committee didn't see fit to make the amendment in order and, in the process, make use of funding authority that will not be needed for some time. So once again, politics governed the process. It's very unfortunate. I think it is worth pointing out today to all the Members here that in a June 4 hearing this year, Secretary LaHood, in response to my question regarding offsets for the Highway Trust Fund bailout said, ''We have to pay for this. I mean, the administration is committed to paying for the $5 billion to $7 billion that is needed to plus up the trust fund in 2009, and it is about $8 billion or $10 billion for 2010. We are committed to paying for it; and I hope sooner rather than later, we will be coming back to all of you and saying, here is how we think we should do it.''

To my knowledge, in this bill there are no offsets. I know that technically this is an intergovernmental transfer, so there's no PAYGO and technically no scoring on this. But the money will soon be spent by the Treasury.

Just so folks understand what is going on here with this shell game, I will give you an example. I'm the government. I've got $1 in this pocket—in this case, we're talking about 7 billion of these, which would go to the Moon—and what we're doing is saying that we are transferring this dollar from the right pocket to the left pocket, even though we know that it's already spent in the left pocket. But it doesn't cost anything. It's free money. Why don't we transfer $1 trillion? It's all free, right? No offset. It's just from one pocket to another. The problem is, folks, we know this is being spent; and there's nothing in this pocket. We're borrowing from our kids and our grandchildren because there is nothing here. We're $2 trillion in deficit this one year and we're talking about, We don't have to pay for anything. It's all free money. In conclusion, I would just hope that we bring some sanity to this process.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon, Congressman DEFAZIO, the Chair of the Highways and Transit Subcommittee of the Transportation Committee.

Mr. DEFAZIO. I thank the gentleman and my friend for the time. Five years ago, an obstinate penny-wise, pound-foolish Bush administration stonewalled a bipartisan proposal in Congress to increase trust fund revenues. They sent us on this path to insolvency. At the same time, they condemned us to a transportation system in America that is headed toward third-world status. On the National Highway System, 150,000 bridges are either functionally obsolete or structurally deficient. That means they could fall down. Then we have 40 percent of the pavement on the National Highway System in fair or poor condition. Billions of gallons of fuel wasted in congestion and traffic, Americans wasting their lives sitting, frustrated. Businesses losing tens of billions of dollars because of delayed deliveries in a just-in-time competitive world economy.

We need a 6-year investment in our transportation system with new policies and a new vision to move us toward a competitive 21st century transportation system, not living off the dregs of one that we built in the fifties. But on the way to that new future, we need this infusion of cash. The States are out there in good faith, putting millions of people to work, rebuilding as much as they can with inadequate resources. They're bringing in bills for over $1 billion a week. That's a lot of jobs, folks, out there in America going on today, rebuilding our infrastructure. We need to make good on those obligations with this infusion of money.

I'm willing to pay for the enhanced investment in the coming legislation, and I'd urge my Republican colleagues to keep an open mind. They're either going to deny us the investment we need and condemn us to a transportation system that can't meet America's needs, or they're going to join us in a 6-year bill with adequate investment and funding, fully paid for, investing in the future of America.

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

I would just say that the Obama administration famously predicted that its so-called stimulus plan would save or create 3.5 million jobs. The gentleman referred to millions of jobs being created repairing our infrastructure. However, the unemployment rate is now at 9.5 percent, well above the 8 percent the administration projected if the stimulus passed. That means 2.5 million more Americans are unemployed than the President promised. So not only have no jobs been created in the private sector, in just 4 months, 2 million private sector jobs have been destroyed. Meanwhile, jobs in government have grown slightly, according to the Bureau of Labor Statistics.

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

Mr. LEWIS of Georgia. Mr. Speaker, may inquire about how much time I have left?

The SPEAKER pro tempore. The gentleman from Georgia has 3½ minutes remaining, and the gentleman from Michigan has 5 minutes remaining.

Mr. CAMP. I will say that we have no further speakers, and I believe the gentleman has the right to close.

Mr. LEWIS of Georgia. I thank the gentleman from Michigan.

Mr. Speaker, having one speaker remaining, I would like to yield 2 minutes to the gentleman from Massachusetts, Congressman OLVER from the Appropriations Committee.

Mr. OLVER. I thank the gentleman for yielding.

As I think we all know, with the collapse of the subprime market and the steep drop in private mortgages available, 25 percent of mortgages written today are backed by FHA. That's up from just 3 percent 2 years ago; and because Ginnie Mae securitizes FHA loans, their volume has increased threefold. With that increased demand, both FHA and Ginnie Mae will reach their loan ceilings in the next few weeks and will be forced to stop operating unless we act today. With the housing market just starting to show some signs of growth and home sales rising for 3 straight months, a first since the year 2004, cutting out 25 percent of available mortgages would be a disaster, decimating the market and hurting million of prospective homeowners out shopping today. This bill ensures that FHA and Ginnie Mae can continue to play their important roles in the mortgage market.

The bill also transfers funds to the Highway Trust Fund to keep it solvent through the end of the fiscal year. Without that transfer, the Department of Transportation will not be able to continue reimbursing States for their highway projects; and States would likely have to scale back on the work they are now doing and would be doing in August and September. There is no question that we will have to eventually do something to guarantee the long-term solvency of the Highway

Trust Fund; but we made infrastructure development an important part of the Economic Recovery Act; and it would be foolish and unwise for us to leave town without ensuring that States can continue with their highway projects as we are on recess in this next month. This needs to be done as quickly as possible. I would urge my colleagues to support this bill by voting ''yes.''

Mr. CAMP. Mr. Speaker, I have no further speakers on my side, so I will yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I fully support H.R. 3357. In the future, the Ways and Means Committee will need to look at different funding proposals and administrative changes to keep the Highway Trust Fund running for the long term. Today we need to make sure it doesn't run out of money. This very simple bill does not cost a single dollar, and I urge all of my colleagues to support this commonsense, bipartisan piece of legislation.

Mr. LEWIS of California. Mr. Speaker, if there was ever a time when the American public needed to pay close attention to the spending decisions being made in Congress, it is now.

It's ironic that in the week following the adoption of so-called ''Pay-Go Rules,'' the House would be debating a measure to set aside more than $14 billion—without offsets—to pay for two so-called trust funds that have run dry. ''Pay as we Go'' has been replaced with ''Spend as we Borrow.''

Today, the House will vote to borrow another $7 billion—that's $7 billion—out of the general fund to replenish the Highway Trust Fund which has become insolvent as a result of high gas prices and the sluggish economy. By this time next month, without a congressional bailout, the so-called Highway Trust Fund will be unable to reimburse states for their highway investments. It was only last year that Congress set aside $8 billion from the general fund to keep the highway fund solvent.

Clearly, this band-aid approach to fixing this re-occurring problem is not working. One more time, the House is voting to bail out another sector of the economy with money it does not have. This is on the heels of the bank bailout. It's on the heels of the so-called ''Recovery Act'' which has succeeded in spending billions but has thus far failed to create jobs. It's on the heels of the bailout of automakers in Detroit. And it follows another year of astronomical spending increases for every major government program run out of Washington, DC.

It was only last month that our former colleague, and the present Secretary of Transportation, Ray LaHood, testified before the House Transportation Appropriations Committee. ''I want to assure you that we will soon have a plan to address the potential Trust Fund shortfall this summer,'' he said. ''We believe very strongly that any Trust fund fix must be paid for.''

An effort was made by the THUD-Appropriations Ranking Member, TOM LATHAM of Iowa, to pay for a solution to the Highway Trust Fund shortfall. But, because my friend Mr. LATHAM is a Republican, his amendment was rejected on a party-line vote in the full Appropriations Committee. In a sign of just how desperate the majority party in the House has become, Mr. LATHAM wasn't even allowed to offer his amendment during consideration of the transportation funding bill last week.

If the bailout of the Highway Trust Fund wasn't enough, Congress is also being called upon to replenish both the Unemployment Trust Fund and increase the limits for two mortgage lending programs under HUD. In the case of the unemployment trust fund, states have been hit with a double whammy of a halting economy and job losses causing more and more people to line up for unemployment benefits.

Over $400 million was appropriated through the so-called Recovery Act to address this shortfall but those funds have now been depleted. And, to this point, the authorizing committees have failed to take any action to help those presently receiving benefits or newly unemployed.

Mr. Speaker, with each passing day it's becoming increasingly clear that the public is growing ever more wary about the reliance of this Congress on government spending as a solution to every problem facing our country.

As the Congress spends trillions on bailouts and borrowing—and our record national deficit increases by the day—the President's response thus far has been almost laughable. Yesterday, with much fan fare, the White House proposed saving taxpayers money by double-sided copying of government documents and eliminating unused government e-mail accounts and phone lines. These examples hardly qualify as profiles in courage.

The President and this majority leadership have promised fiscal discipline and a return to economic prosperity. And yet, the record thus far shows nothing but one bailout after another and rising levels of government spending as far as the eye can see.

Mr. RYAN of Wisconsin. Mr. Speaker: I rise in support of H.R. 3357, a bill that would ensure the Unemployment Insurance Trust Fund has the resources it needs to help those who have been hit the hard by the economic recession and are jobless.

However, I am concerned about a provision in this bill that would provide another General Fund transfer to the Highway Trust Fund and increase the deficit.

I support a strong highway program. It's important to our nation's economy and to my home state of Wisconsin that we have world class roads that let goods and people get where they need to go safely and efficiently.

The highway fund was intended to be user financed. Last year we transferred $8 billion from the General Fund to patch last year's shortfall. Earlier this year we provided $27 billion in stimulus funds from the General Fund for highways. Now the Highway Trust Fund would get another $7 billion under this legislation to pay its bills for the rest of Fiscal Year 2009.

Despite claims to the contrary, the real world impact of these transfers is an increase in the deficit, which is already over $1 trillion and is projected to reach $1.8 trillion by the end of this fiscal year under the President's budget.

The Highway Trust Fund is broken and needs to be permanently fixed. I want to find a solution that supports critical highway spending but does so responsibly, without adding more debt and deficits.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3357, as amended.

The question was taken.

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

Mr. CAMP. 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 suspending the rules and passing H.R. 3357, as amended, will be followed by 5-minute votes on motions to suspend the rules with regard to:

H. Res. 496, by the yeas and nays;

H.R. 3072, de novo;

H. Res. 483, de novo.

The vote was taken by electronic device, and there were—yeas 363, nays 68, not voting 2, as follows:

[Roll No. 659]

YEAS—363

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
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)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)

Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
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
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
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)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—68

Akin
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Blackburn
Boehner
Brady (TX)
Broun (GA)
Burgess
Campbell
Cantor
Carter
Chaffetz
Coffman (CO)
Conaway
Culberson
Deal (GA)
Dreier
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hensarling
Herger
Inglis
Issa
Johnson, Sam
Jordan (OH)
Kingston
Lamborn
Lance
Latta
Lewis (CA)
Linder
Lummis
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
Myrick
Neugebauer
Nunes
Paul
Pitts
Price (GA)
Radanovich
Rohrabacher
Royce
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (TX)
Stearns
Sullivan
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—2

Bishop (UT)
McCarthy (NY)

□ 1649

Messrs. BACHUS and COFFMAN of Colorado changed their vote from ''yea'' to ''nay.''

Messrs. YOUNG of Alaska, SPRATT, BURTON of Indiana, CRENSHAW, HOEKSTRA, and JONES changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 496, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 496, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 432, nays 0, not voting 1, as follows:

[Roll No. 660]

YEAS—432

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
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
Chu
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
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (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)
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)
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
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
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—1

McCarthy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1656

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COACH JODIE BAILEY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3072.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3072.

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

A motion to reconsider was laid on the table.

SUPPORTING VETERANS OF FOREIGN WARS DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 483.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 483.

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

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 3326.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 685 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. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

□ 1704

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. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with Ms. BALDWIN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. Madam Chairman, yesterday I was out at Bethesda, and I saw a young fellow that was wounded 2 years ago. And when he was wounded, his internal organs were outside the body for almost 10 days. And he's been putting up with that ever since, until he came back to Bethesda and had an operation just recently, where they were able to take the bag away that he had and restore his internal organs. That's what this bill's all about.

This Defense bill is all about taking care of the troops, making sure they have what they need. BILL YOUNG and I work together, going to the hospital, seeing the wounded. We listen to what they say and what they need. We listen to them at the bases. We had 37 hearings this year, 51 trips that the staff made all over the country to visit the various installations to find out what the problems were.

I was out at Fort Carson where the commanding officer—and this is not something that I'm divulging, this is something that's already known—his one boy was killed in Iraq, and his other son committed suicide before he was sworn in. So he's been emphasizing how do you reduce suicides in the military. The units that came back, we've just found, have had some terrible problems with people, robberies and actually homicide, some of the actual units, at least allegedly. That's what we've seen in the newspaper.

These troops are under a tremendous strain. They're deployed too often. When I talked to the 12 troops there at Fort Carson and Fort Benning, they all told me the biggest single problem is the long deployments and the lack of time at home. And JERRY LEWIS, who was chairman of the subcommittee—and BILL will tell you the same thing—when we talk to the troops, they talk about how they need more time at home. They need to spend some time at home. And even when they're home, they're training. They don't have an opportunity to visit with their families as long as they would like.

We've had hundreds of meetings with Members of Congress, hundreds of input from Members of Congress on the floor and in the committee room, trying to make sure we put a bill together that was bipartisan. We've been partners in this thing the whole way through. And we've tried to make sure—and the thrust of this bill has been for the Department to start hiring more people and getting rid of the contractors, in other words, get rid of contractors and hire people because contractors cost $44,000 more.

Well, we just find every time we turn around we find somebody at the lower level is making all kinds of changes in that policy, and we worry about it. In this bill, we have a number of things that we've done that help, not only military families, but do research for long term. We put the first money in, for instance, military pay. We raised them five tenths of a percent above the request.

First-class medical care is one of the things that we stress. Peer-reviewed research programs. $150 million for breast cancer research, $80 million for prostate cancer research, $30 million for orthopedic research. An amazing thing, the military didn't have any money in for these kinds of things until we stepped in in the subcommittee in the forefront of making sure that that gets done. $472.4 million for family advocacy programs. I could go on and on. I don't want to go too long on this debate.

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	36,382,736	41,312,448	39,901,547	+3,518,811	-1,410,901
Military Personnel, Navy	24,037,553	25,504,472	25,095,581	+1,058,028	-408,891
Military Personnel, Marine Corps	11,792,974	12,915,790	12,528,845	+735,871	-386,945
Military Personnel, Air Force	25,103,789	26,439,761	25,938,850	+835,061	-500,911
Reserve Personnel, Army	3,904,296	4,336,656	4,308,513	+404,217	-28,143
Reserve Personnel, Navy	1,855,968	1,938,166	1,918,111	+62,143	-20,055
Reserve Personnel, Marine Corps	584,910	617,500	610,580	+25,670	-6,920
Reserve Personnel, Air Force	1,423,676	1,607,712	1,600,462	+176,786	-7,250
National Guard Personnel, Army	6,616,220	7,621,488	7,525,628	+909,408	-95,860
National Guard Personnel, Air Force	2,741,768	2,970,949	2,949,899	+208,131	-21,050
Total, title I, Military Personnel	114,443,890	125,264,942	122,378,016	+7,934,126	-2,886,926
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	31,207,243	31,274,882	30,454,152	-753,091	-820,730
Operation and Maintenance, Navy	34,410,773	35,070,346	34,885,932	+475,159	-184,414
Operation and Maintenance, Marine Corps	5,519,232	5,536,223	5,557,510	+38,278	+21,287
Operation and Maintenance, Air Force	34,865,964	34,748,159	33,785,349	-1,080,615	-962,810
Operation and Maintenance, Defense-Wide	25,939,466	28,357,246	27,929,377	+1,989,911	-427,869
Operation and Maintenance, Army Reserve	2,628,896	2,620,196	2,621,196	-7,700	+1,000
Operation and Maintenance, Navy Reserve	1,308,141	1,278,501	1,280,001	-28,140	+1,500
Operation and Maintenance, Marine Corps Reserve	212,487	228,925	228,925	+16,438	---
Operation and Maintenance, Air Force Reserve	3,018,151	3,079,228	3,079,228	+61,077	---
Operation and Maintenance, Army National Guard	5,858,303	6,257,034	6,353,627	+495,324	+96,593
Operation and Maintenance, Air National Guard	5,901,044	5,885,761	5,888,741	-12,303	+2,980
Overseas Contingency Operations Transfer Account	---	5,000	---	---	-5,000
United States Court of Appeals for the Armed Forces	13,254	13,932	13,932	+678	---
Environmental Restoration, Army	457,776	415,864	415,864	-41,912	---
Environmental Restoration, Navy	290,819	285,869	285,869	-4,950	---
Environmental Restoration, Air Force	496,277	494,276	494,276	-2,001	---
Environmental Restoration, Defense-Wide	13,175	11,100	11,100	-2,075	---
Environmental Restoration, Formerly Used Defense Sites	291,296	267,700	277,700	-13,596	+10,000
Overseas Humanitarian, Disaster, and Civic Aid	83,273	109,869	109,869	+26,596	---
Cooperative Threat Reduction Account	434,135	404,093	404,093	-30,042	---
Department of Defense Acquisition Workforce Development Fund	---	100,000	100,000	+100,000	---
Total, title II, Operation and maintenance	152,949,705	156,444,204	154,176,741	+1,227,036	-2,267,463
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	4,900,835	5,315,991	5,144,991	+244,156	-171,000
Missile Procurement, Army	2,185,060	1,370,109	1,358,609	-826,451	-11,500
Procurement of Weapons and Tracked Combat Vehicles, Army	3,169,128	2,451,952	2,681,952	-487,176	+230,000
Procurement of Ammunition, Army	2,287,398	2,051,895	2,053,395	-234,003	+1,500
Other Procurement, Army	10,684,014	9,907,151	9,293,801	-1,390,213	-613,350
Aircraft Procurement, Navy	14,141,318	18,378,312	18,325,481	+4,184,163	-52,831
Weapons Procurement, Navy	3,292,972	3,453,455	3,226,403	-66,569	-227,052
Procurement of Ammunition, Navy and Marine Corps	1,085,158	840,675	794,886	-290,272	-45,789
Shipbuilding and Conversion, Navy	13,054,367	13,776,867	14,721,532	+1,667,165	+944,665
Other Procurement, Navy	5,250,627	5,661,176	5,395,081	+144,454	-266,095
Procurement, Marine Corps	1,376,917	1,600,638	1,563,743	+186,826	-36,895
Aircraft Procurement, Air Force	13,112,617	11,966,276	11,956,182	-1,156,435	-10,094
Missile Procurement, Air Force	5,442,428	6,300,728	6,508,359	+1,065,931	+207,631
Procurement of Ammunition, Air Force	859,466	822,462	809,941	-49,525	-12,521
Other Procurement, Air Force	16,052,569	17,293,141	16,883,791	+831,222	-409,350
Procurement, Defense-Wide	3,306,269	3,984,352	4,036,816	+730,547	+52,464
National Guard and Reserve Equipment	750,000	---	---	-750,000	---
Defense Production Act Purchases	100,565	38,246	82,846	-17,719	+44,600
Total, title III, Procurement	101,051,708	105,213,426	104,837,809	+3,786,101	-375,617

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	12,060,111	10,438,218	11,151,884	-908,227	+713,666
Research, Development, Test and Evaluation, Navy	19,764,276	19,270,932	20,197,300	+433,024	+926,368
Research, Development, Test and Evaluation, Air Force	27,084,340	27,992,827	27,976,278	+891,938	-16,549
Research, Development, Test and Evaluation, Defense-Wide	21,423,338	20,741,542	20,721,723	-701,615	-19,819
Operational Test and Evaluation, Defense	188,772	190,770	190,770	+1,998	---
Total, title IV, Research, Development, Test and Evaluation	80,520,837	78,634,289	80,237,955	-282,882	+1,603,666
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,489,234	1,455,004	1,455,004	-34,230	---
National Defense Sealift Fund	1,666,572	1,642,758	1,692,758	+26,186	+50,000
Defense Coalition Support Fund	---	22,000	---	---	-22,000
Total, title V, Revolving and Management Funds	3,155,806	3,119,762	3,147,762	-8,044	+28,000
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	24,611,369	26,967,919	28,257,565	+3,646,196	+1,289,646
Procurement	311,905	322,142	384,142	+72,237	+62,000
Research, development, test and evaluation	902,558	613,102	1,249,402	+346,844	+636,300
Total, Defense Health Program	25,825,832	27,903,163	29,891,109	+4,065,277	+1,987,946
National Defense Stockpile Transaction Fund transfer to Defense Health program	-1,300,000	---	---	+1,300,000	---
Chemical Agents and Munitions Destruction, Defense:					
Operation and maintenance	1,152,668	1,146,802	1,146,802	-5,866	---
Procurement	64,085	12,689	12,689	-51,396	---
Research, development, test and evaluation	288,881	401,269	351,269	+62,388	-50,000
Total, Chemical Agents 1/	1,505,634	1,560,760	1,510,760	+5,126	-50,000
Drug Interdiction and Counter-Drug Activities, Defense	1,096,743	1,058,984	1,237,684	+140,941	+178,700
Joint Improvised Explosive Device Defeat Fund 1/	---	564,850	364,550	+364,550	-200,300
Rapid Acquisition Fund 1/	---	79,300	---	---	-79,300
Office of the Inspector General 1/	271,845	272,444	288,100	+16,255	+15,656
Total, title VI, Other Department of Defense Programs	27,400,054	31,439,501	33,292,203	+5,892,149	+1,852,702
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	279,200	290,900	290,900	+11,700	---
Intelligence Community Management Account (ICMA)	710,042	672,812	611,002	-99,040	-61,810
Transfer to Department of Justice	(44,000)	---	---	(-44,000)	---
Total, title VII, Related agencies	989,242	963,712	901,902	-87,340	-61,810

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(4,100,000)	(5,000,000)	(4,000,000)	(-100,000)	(-1,000,000)
Indian Financing Act incentives (Sec. 8020)	15,000	---	15,000	---	+15,000
FFRDC (Sec. 8025)	-84,000	---	-125,200	-41,200	-125,200
Overseas Military Facility Invest Recovery (Sec. 8030)	1,000	1,000	1,000	---	---
Rescissions (Sec. 8041)	-1,320,473	---	-1,391,339	-70,866	-1,391,339
O&M, Def-wide transfer authority (Sec.8052)	(30,000)	(30,000)	(30,000)	---	---
Fisher House Foundation (Sec. 8072)	8,000	---	5,000	-3,000	+5,000
Military Recruitment Assessment & Vet Empl (Sec. 8079)	3,000	---	3,000	---	+3,000
Special needs students	5,500	---	---	-5,500	---
Various grants (Sec. 8083)	112,400	---	88,700	-23,700	+88,700
Shipbuilding & conversion funds, Navy (Sec. 8093)	10,000	10,000	10,000	---	---
Stop Loss transfer fund (Sec. 8103)	72,000	---	8,300	-63,700	+8,300
ICMA transfer authority (Sec. 8106)	---	(24,000)	(24,000)	(+24,000)	---
Foreign Currency Fluctuations, Defense (Sec. 8109)	---	---	400,000	+400,000	+400,000
Excess fuel funding (WCF cash) (Sec. 8110)	---	---	-289,570	-289,570	-289,570
Tanker Replacement Transfer Fund (Sec. 8112)	---	---	439,615	+439,615	+439,615
Working Capital Fund excess cash	-859,000	---	---	+859,000	---
Iraqi/Afghan Refugee Resettlement Support (Sec. 8114)	---	---	4,000	+4,000	+4,000
Contractor reductions (Sec.8116)	-829,780	---	-550,000	+279,780	-550,000
Total, Title VIII, General Provisions	-2,866,353	11,000	-1,381,494	+1,484,859	-1,392,494
TITLE IX					
OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES (ODOA) 2/					
DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (ODOA)	---	9,046,340	10,492,723	+10,492,723	+1,446,383
Military Personnel, Navy (ODOA)	---	1,175,601	1,622,717	+1,622,717	+447,116
Military Personnel, Marine Corps (ODOA)	---	670,722	997,470	+997,470	+326,748
Military Personnel, Air Force (ODOA)	---	1,445,376	1,855,337	+1,855,337	+409,961
Reserve Personnel, Army (ODOA)	---	294,637	302,637	+302,637	+8,000
Reserve Personnel, Navy (ODOA)	---	39,040	39,040	+39,040	---
Reserve Personnel, Marine Corps (ODOA)	---	31,337	31,337	+31,337	---
Reserve Personnel, Air Force (ODOA)	---	24,822	24,822	+24,822	---
National Guard Personnel, Army (ODOA)	---	839,966	839,966	+839,966	---
National Guard Personnel, Air Force (ODOA)	---	18,500	18,500	+18,500	---
Total, Military Personnel	---	13,586,341	16,224,549	+16,224,549	+2,638,208
Operation and Maintenance					
Operation & Maintenance, Army (ODOA)	---	52,170,661	41,836,029	+41,836,029	-10,334,632
Operation & Maintenance, Navy (ODOA)	---	6,219,583	4,975,665	+4,975,665	-1,243,918
Coast Guard (by transfer) (ODOA)	---	(241,503)	---	---	(-241,503)
Operation & Maintenance, Marine Corps (ODOA)	---	3,701,600	2,961,279	+2,961,279	-740,321
Operation & Maintenance, Air Force (ODOA)	---	10,026,868	7,858,895	+7,858,895	-2,167,973
Operation & Maintenance, Defense-Wide (ODOA)	---	7,578,300	7,397,800	+7,397,800	-180,500
Coalition support funds (By transfer) (ODOA)	---	(1,600,000)	(1,540,000)	(+1,540,000)	(-60,000)
Operation & Maintenance, Army Reserve (ODOA)	---	204,326	163,461	+163,461	-40,865
Operation & Maintenance, Navy Reserve (ODOA)	---	68,059	54,447	+54,447	-13,612
Operation & Maintenance, Marine Corps Reserve (ODOA)	---	86,667	69,333	+69,333	-17,334
Operation & Maintenance, Air Force Reserve (ODOA)	---	125,925	100,740	+100,740	-25,185
Operation & Maintenance, Army National Guard (ODOA)	---	321,646	257,317	+257,317	-64,329
Operation & Maintenance, Air National Guard (ODOA)	---	289,862	231,889	+231,889	-57,973
Overseas Contingency Operations Transfer Fund	---	---	14,636,901	+14,636,901	+14,636,901
Subtotal, Operation and Maintenance	---	80,793,497	80,543,756	+80,543,756	-249,741
Iraq Freedom Fund (ODOA)	---	115,300	---	---	-115,300
Afghanistan Security Forces Fund (ODOA)	---	7,462,769	7,462,769	+7,462,769	---
Pakistan Counterinsurgency Capability Fund (ODOA)	---	700,000	---	---	-700,000
Total, Operation and Maintenance	---	89,071,566	88,006,525	+88,006,525	-1,065,041

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Procurement					
Aircraft Procurement, Army (ODOA)	---	1,636,229	1,636,229	+1,636,229	---
Missile Procurement, Army (ODOA)	---	531,570	469,470	+469,470	-62,100
Procurement of Weapons and Tracked Combat Vehicles, Army (ODOA)	---	759,466	1,219,466	+1,219,466	+460,000
Procurement of Ammunition, Army (ODOA)	---	370,635	370,635	+370,635	---
Other Procurement, Army (ODOA)	---	6,225,966	5,635,306	+5,635,306	-590,660
Aircraft Procurement, Navy (ODOA)	---	916,553	889,097	+889,097	-27,456
Weapons Procurement, Navy (ODOA)	---	73,700	73,700	+73,700	---
Procurement of Ammunition, Navy and Marine Corps (ODOA)	---	710,780	698,780	+698,780	-12,000
Other Procurement, Navy (ODOA)	---	318,018	260,797	+260,797	-57,221
Procurement, Marine Corps (ODOA)	---	1,164,445	1,100,268	+1,100,268	-64,177
Aircraft Procurement, Air Force (ODOA)	---	936,441	825,718	+825,718	-110,723
Missile Procurement, Air Force (ODOA)	---	36,625	36,625	+36,625	---
Procurement of Ammunition, Air Force (ODOA)	---	256,819	256,819	+256,819	---
Other Procurement, Air Force (ODOA)	---	2,321,549	2,275,238	+2,275,238	-46,311
Procurement, Defense-Wide (ODOA)	---	491,430	489,980	+489,980	-1,450
National Guard and Reserve Equipment (ODOA)	---	---	500,000	+500,000	+500,000
Mine Resistant Ambush Protected Vehicle Fund (ODOA)	---	5,456,000	3,606,000	+3,606,000	-1,850,000
Rapid Acquisition Fund (ODOA)	---	---	40,000	+40,000	+40,000
Total, Procurement	---	22,206,226	20,384,128	+20,384,128	-1,822,098
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Army (ODOA)	---	57,962	57,962	+57,962	---
Research, Development, Test & Evaluation, Navy (ODOA)	---	107,180	38,280	+38,280	-68,900
Research, Development, Test & Evaluation, Air Force (ODOA)	---	29,286	29,286	+29,286	---
Research, Development, Test and Evaluation, Defense-Wide (ODOA)	---	115,826	115,826	+115,826	---
Total, Research, Development, Test and Evaluation	---	310,254	241,354	+241,354	-68,900
Revolving and Management Funds					
Defense Working Capital Funds (ODOA)	---	396,915	412,215	+412,215	+15,300
Total, Revolving and Management Funds	---	396,915	412,215	+412,215	+15,300
Other Department of Defense Programs					
Defense Health Program (ODOA)	---	1,155,235	1,155,235	+1,155,235	---
Drug Interdiction and Counter-Drug Activities, Defense (ODOA)	---	324,603	317,603	+317,603	-7,000
Joint IED Defeat Fund (ODOA)	---	1,535,000	1,490,000	+1,490,000	-45,000
Office of the Inspector General (ODOA)	---	8,876	8,876	+8,876	---
Total, Other Department of Defense Programs	---	3,023,714	2,971,714	+2,971,714	-52,000
TITLE IX General Provisions					
Additional transfer authority (ODOA) (Sec. 9002)	---	(4,000,000)	(3,000,000)	(+3,000,000)	(-1,000,000)
Defense Cooperation Account (ODOA) (Sec. 9007)	---	---	6,500	+6,500	+6,500
Total, General Provisions	---	---	6,500	+6,500	+6,500
Total, Title IX	---	128,595,016	128,246,985	+128,246,985	-348,031
Total for the bill (net)	477,644,889	629,685,852	625,837,879	+148,192,990	-3,847,973

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
OTHER APPROPRIATIONS					
SUPPLEMENTAL APPROPRIATIONS ACT, 2008 (PL 110-252)					
Title IX, Defense Matters					
Chapter 2, Defense Bridge Fund Appropriations for FY 2009 (emergency)	65,921,157	---	---	-65,921,157	---
Special transfer authority (emergency)	(4,000,000)	---	---	(-4,000,000)	---
Subtotal, Chapter 2, FY 2009 (emergency)	65,921,157	---	---	-65,921,157	---
Total, Public Law 110-252 (emergency)	65,921,157	---	---	-65,921,157	---
AMERICAN RECOVERY & REINVESTMENT ACT, 2009 (PL 111-5)					
Title III, Department of Defense					
Operation and Maintenance (emergency)	3,840,000	---	---	-3,840,000	---
Research, Development, Test & Evaluation (emergency)	300,000	---	---	-300,000	---
Other Department of Defense programs (emergency)	415,000	---	---	-415,000	---
Total, Public Law 111-5 (emergency)	4,555,000	---	---	-4,555,000	---
SUPPLEMENTAL APPROPRIATIONS ACT, 2009 (PL 111-32)					
TITLE III DEPARTMENT OF DEFENSE					
Military Personnel (ODOA)	18,726,150	---	---	-18,726,150	---
Operation & Maintenance (ODOA)	28,540,175	---	---	-28,540,175	---
Afghanistan Security Forces Fund (ODOA)	3,606,939	---	---	-3,606,939	---
Pakistan Counterinsurgency Fund (ODOA)	400,000	---	---	-400,000	---
Procurement (ODOA)	25,846,718	---	---	-25,846,718	---
Research, Development, Test and Evaluation (ODOA)	833,499	---	---	-833,499	---
Revolving and Management Funds (ODOA)	861,726	---	---	-861,726	---
Other Department of Defense Programs (ODOA)	2,301,992	---	---	-2,301,992	---
Special DE transfer authority (this title only)	(2,500,000)	---	---	(-2,500,000)	---
Defense Cooperation Account (ODOA)	6,500	---	---	-6,500	---
Iraq Security Forces Fund (emergency)	1,000,000	---	---	-1,000,000	---
(rescission) (emergency)	-1,000,000	---	---	+1,000,000	---
Fuel (rescission)	-1,003,007	---	---	+1,003,007	---
(overseas deployments and activities) (rescission)	-1,906,993	---	---	+1,906,993	---
Classified and other (ODOA) (rescission)	-1,051,160	---	---	+1,051,160	---
Procurement, Army (ODOA) (rescission)	-354,000	---	---	+354,000	---
Operation & maintenance, Def-Wide (ODOA) (rescission)	-181,500	---	---	+181,500	---
Stop Loss Transfer Fund (ODOA)	534,400	---	---	-534,400	---
Total, Public Law 111-32 (ODOA)	77,161,439	---	---	-77,161,439	---
Total, Other Appropriations	147,637,596	---	---	-147,637,596	---
Net grand total (including other appropriations)	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973
Total mandatory and discretionary	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973
Mandatory	279,200	290,900	290,900	+11,700	---
Discretionary	625,003,285	629,394,952	625,546,979	+543,694	-3,847,973

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	114,443,890	125,264,942	122,378,016	+7,934,126	-2,886,926
Title II - Operation and Maintenance	152,949,705	156,444,204	154,176,741	+1,227,036	-2,267,463
Title III - Procurement	101,051,708	105,213,426	104,837,809	+3,786,101	-375,617
Title IV - Research, Development, Test and Evaluation	80,520,837	78,634,289	80,237,955	-282,882	+1,603,666
Title V - Revolving and Management Funds	3,155,806	3,119,762	3,147,762	-8,044	+28,000
Title VI - Other Department of Defense Programs	27,400,054	31,439,501	33,292,203	+5,892,149	+1,852,702
Title VII - Related Agencies	989,242	963,712	901,902	-87,340	-61,810
Title VIII - General Provisions (net)	-2,866,353	11,000	-1,381,494	+1,484,859	-1,392,494
Title IX - Overseas Deployments and Other Activities	---	128,595,016	128,246,985	+128,246,985	-348,031
Total, Department of Defense	477,644,889	629,685,852	625,837,879	+148,192,990	-3,847,973
Other defense appropriations	147,637,596	---	---	-147,637,596	---
Total funding available (net)	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Budget proposed Overseas Contingency Operations.
3/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375)(CBO est)

Let me reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I might consume, and I would like to state my support for this bill. As Chairman MURTHA, has said, the subcommittee worked together without any regard to politics or Republican or Democrat to build a legislative appropriation bill that we thought would take care of training requirements for our military, equipment requirements for our military, and force protection requirements for our military; and we did the best we could with the money that we had available, and we did it together. And we did it in a totally nonpolitical way.

So I rise in strong support of this bill. There will likely be several amendments that we may not be able to agree with, and we'll talk about those a little bit later. But one thing I wanted to mention is, I said that we did the best we could with what we had to work with. We were under the President's budget request. Our 302(b) allocation was reduced. We're over last year by about 4 percent, so that's a plus.

It disturbs me a little bit, though, when I see that the foreign aid bill was 33 percent above last year's bill, and our national defense appropriations bill is only 4 percent above last year's bill. But still we did the best that we could with what we had to work with.

Now, we will have amendments that will be offered. I suspect they're not going to be offered tonight, though. I suspect sometime tomorrow they'll be offered. And there will be some disagreement on some of those amendments. We'll discuss those later. But one thing I wanted to mention is air superiority. We're not going to have enough time on the amendment that's offered to deal with the future of air superiority for the American military. Mr. MURTHA and I and many of our Members have traveled to far-flung parts of the world where our troops were deployed. We have talked personally to thousands of our men and women in uniform, not only here at home but in places like Korea, like Bosnia, like Kosovo, like Afghanistan and Iraq and Kuwait and all of these places.

And our soldiers tell us, we'll go anywhere. We'll fight whatever battle we're told to fight. But please make sure that if there's an airplane above the battlefield, that it belongs to the United States, that it does not belong to a threatening enemy. And that's one of the things that we will be talking about with the issue of the F–22. The air superiority, the F–22 is supposedly our air superiority aircraft. It will replace the F–15, which is today's tremendous airplane, but it's our air superiority aircraft. We cannot afford to take a chance and risk the lives of troops on the ground if we don't secure the air overhead.

The Defense Department has suggested that, with the limit of 187 new F–22s, or a total of 187 F–22s, that this is a medium to high risk for air superiority on the part of the United States. I think we ought to take that, despite the fact that there's a veto threat on going above the 187. If the Defense Department believes that this is a medium to high risk, I think we ought to pay close attention to that. But we'll talk more in detail about that when we deal with the amendment that we expect to deal with.

We're told that the Joint Strike Fighter is coming on board and will fill up the gap if we don't have enough F–22s. But to begin with, the Joint Strike Fighter is a different mission aircraft than the F–22, just like the F–16 was a different mission aircraft than the F–15, but they work together in partnership.

□ 1715

If the F–35, the Joint Strike Fighter, is going to pick up the gap, we'd better do some serious thinking, because the F–35 is not ready to fight. It is not ready to do its mission, let alone the mission of air superiority. We have spent some $37 billion in the development of the Joint Strike Fighter, and we have been in development and have been ready to go to production just now, this year, with funding for the production. We started in 1997 to create this aircraft, and here it is 2009, and the aircraft is still not ready to be deployed.

So how is that aircraft going to fill the gap if we need fighters to maintain air superiority?

There is a lot more on this issue that we'll talk about later. The bill today provides for additional F–22s, and that's the way we like it.

I reserve the balance of my time.

Mr. MURTHA. Madam Chair, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chair, I would like to yield 2 minutes to the gentleman from California (Mr. LEWIS), the former chairman of the subcommittee and the now ranking member on the full Appropriations Committee.

Mr. LEWIS of California. Madam Chair, I rise simply to express the House's deep appreciation for the work that Mr. MURTHA and Mr. YOUNG do together on behalf of our troops. It's a fabulous display of the way the place should work, and I want you to know that I extend my congratulations.

I have similar reservations, Chairman MURTHA, that have been expressed by my colleague Mr. YOUNG about the F–22. You know of the history when I chaired the committee and when we examined that program very, very carefully. My difficulty is I just can't project out there what the challenges are going to be. If China, for example, should join with Russia and come on line with tactical aircraft, we've got to think ahead, and I'm worried that we may not be doing that.

Mr. YOUNG of Florida. Madam Chairman, I would be happy to yield at this time 4 minutes to the distinguished gentleman from New Jersey, a very important member of the subcommittee, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Madam Chairman, I want to echo the comments of our ranking member, Mr. YOUNG, and I want to thank Mr. MURTHA for a good bill. I do rise to support it.

Clearly, if I'd written the bill, I would have written it differently in certain areas. Overall, I wish our subcommittee could have done more, but I recognize we did the best with the allocation we have. The bill is $3.5 billion short of the President's request despite the fact that we're engaged in two hard-fought wars in Afghanistan and Iraq that are hardly over. In fact, the President has obligated us to a rather open-ended commitment in Afghanistan where casualties have been rising and where more money may be needed.

Madam Chairman, the first time America tangled with extremists overseas, President John Adams was confronted by partisans who chanted, ''Millions for defense, not a penny for tribute.'' That was then and this is now.

At a time when Congress has found the ''will and the wallet'' to throw billions of borrowed dollars at every domestic program under the sun, some are finding ways to cut defense spending—sometimes subtly, sometimes not so subtly. I tell my colleagues who have pledged to support a strong national defense that this bill is the high watermark. In fact, it's all downhill from here.

I do support the reform of our military acquisition processes, which have come under examination. I do support Secretary Gates' program to reexamine our national security priorities in light of new, irregular challenges and threats that are proliferating well beyond Iraq and Afghanistan.

Take a look at a more belligerent Russia. Take a look at the Chinese capabilities in terms of their Navy, their air and their cyberattacks. Take a look at the things that are happening on the Korean peninsula, at the things that are happening in Africa and at the things that are happening in our own hemisphere.

I do worry about this administration's apparent obsession with this war-ism. I urge my colleagues to make sure we make enough investments today to ensure that we will be prepared to defend our interests against all threats in the years to come.

I do support the legislation, and as Mr. MURTHA and Mr. YOUNG have said, there is a pay increase in here for all of our troops, all volunteering. There is first-class medical care, a lot more money, more money for shipbuilding, more money for the procurement of fighters, more money for MRAPs in Afghanistan, and importantly, there is $500 million for the National Guard equipment for both overseas and homestate missions.

Madam Chairman, I wish we could restore the cuts to our missile defense. I wish we could ensure that our F–22 assembly line could keep going. I wish we had an immediate substitute for our future combat system. These are important elements that need to be addressed. All in all, this is a good bill.

I congratulate the chairman for his leadership, and I congratulate the ranking member. I am pleased to support it.

Mr. MURTHA. Madam Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I want to thank Mr. MURTHA and the ranking member for the work that they've done for our country, and my remarks are in no way in disrespect of that.

We are talking about $636 billion, which will help, among other things, to empower the continuation of the war in Iraq and Afghanistan. We will have a brief debate here about $636 billion. The Congress has been gripped by the debate over health care for months now. We really need to have a serious discussion and debate about both the wars in Iraq and Afghanistan—the wars which are causing casualties to the troops that Mr. MURTHA is so dedicated to. We really need to look at that and figure out when we are going to get out of there.

We need to set a time to get out of Iraq for real, not just the so-called combat troops and leave detachments there, but to get out of Iraq for real and to get out of Afghanistan, where the casualties are increasing. We need to start coming back home and taking care of things here. We need to plus-up our military so we can be strong in defense but not cause our strength to be wasted in wars that are unnecessary.

I really appreciate the work you do, Mr. MURTHA, but I also will tell you that we really need to have a much bigger debate about whether we should continue to be in that war. I'm going to vote against this bill just on principle. We should get out of Iraq and Afghanistan, and I have the same love for those troops that you have.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to direct their remarks to the Chair.

Mr. YOUNG of Florida. Madam Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. CALVERT), who also is the ranking member of the Select Intelligence Oversight Panel.

Mr. CALVERT. Madam Chair, I am certainly proud to support H.R. 3326, the 2010 Defense Appropriations bill.

I represent four military installations, thousands of military personnel and their families, and I am pleased that this bill includes the $8.2 billion increase for military personnel accounts from last year. It also includes a 3.4 percent pay raise, which I wholeheartedly support and certainly believe that our troops deserve.

The bill also includes funding for three C–17s, which are vital to our airlift capability. While I am pleased with the additional procurement, I believe that Congress must continue to fund this additional aircraft that is necessary for additional airlift capability.

The C–17 aircraft plays a central role both in the ongoing global war on terror and in the humanitarian relief missions around the world. The three C–17s will be a welcomed addition to the fleet, which includes 8 C–17s attached to March Air Reserve Base's 452nd Air Mobility Wing, which is in my district in California. These will accelerate efforts to ensure that America's airlift needs are met in upcoming years.

I also support the removal of $100 million, requested by the administration, which would have been used to move detainees out of the Guantanamo Bay detention facility. I commend the language in the bill, which was truly the result of a bipartisan effort. It prevents a single detainee from being released or transferred until the administration produces an acceptable plan—one that includes an assessment of the risks to the American people and that requires that our citizens be informed of any transfers so they will be ensured of their safety. It also requires a certification that any release or transfer of prisoners will not place our troops in harm's way or will hinder their efforts abroad. The language is similar to my bill, H.R. 1069, which I introduced in February of this year. I am hopeful we can work this out in a planned process.

Again, I commend the subcommittee and the full committee chairmen and ranking members for a bipartisan bill that meets the needs of our troops and that provides funding for vital missions around the world.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes now to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Chair, I rise today to discuss an issue vital to American air superiority.

First, I want to thank Chairman MURTHA and Ranking Member YOUNG for their tireless efforts in support of those who bravely defend us at home and abroad.

While there is much to applaud in this bill, I am very concerned about any steps to remove advanced procurement funds for the F–22A Raptor. Currently, H.R. 3326 contains $370 million for long lead supplies needed to procure 12 F–22 aircraft in fiscal year 2011. Preserving this funding, Madam Chair, is absolutely critical.

Unfortunately, President Obama and Secretary Gates have expended great capital in recent weeks to ensure that the F–22 program ends at 187 aircraft once and for all. However, their position is not driven by military requirements but, rather, by budget constraints.

The facts are that the F–22 has a flyaway cost of $142 million—this is a 35 percent decrease since its inception—and the next F–22 will actually be cheaper than the next Joint Strike Fighter.

Madam Chair, is this how we should determine how best to defend our Nation and to ensure American air superiority, or should we rely on the results of over 30 air campaign studies that have been conducted over the last 15 years, which validate a requirement for far more than 187 F–22 Raptors to replace the original force of 800 F–15 A-D Eagles?

We should also listen to those who fly these fighters, Madam Chair. A June 9, 2009, letter from General John Corley, the commander of Air Combat Command, states, ''At Air Combat Command, we have held the need for 381 F–22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F–22s puts execution of our current national military strategy at high risk in the near to mid-term.''

The CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. I yield the gentleman an additional 30 seconds.

Mr. GINGREY of Georgia. Madam Chair, General Corley goes on to state, ''There are no studies that demonstrate 187 F–22s are adequate to support our national military strategy.''

I would like to submit this letter for the RECORD, Madam Chair.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR COMBAT COMMAND
Langley Air Force Base, VA, June 9, 2009.

Hon. SAXBY CHAMBLISS,
Russell Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your letter and the opportunity to comment on the critical issue of F–22 fleet size. At Air Combat Command we have held the need for 381 F–22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F–22s puts execution of our current national military strategy at high risk in the near to mid-term.

To my knowledge, there are no studies that demonstrate 187 F–22s are adequate to support our national military strategy. Air Combat Command analysis, done in concert with Headquarters Air Force, shows a moderate risk force can be obtained with an F–22 fleet of approximately 250 aircraft.

While OSD did not solicit direct input from Air Combat Command, we worked closely with our Headquarters in ensuring our views were available. We realize the tough choices our national leadership must make in balancing current warfighting needs against the fiscal realities our Nation faces.

The F–22, a critical enabler of air dominance, plays a vital role and indispensable role in ensuring joint freedom of action for all forces and underpins our ability to dissuade and deter. Thank you for your continued support of the US Air Force and Air Combat Command.

Sincerely,

JOHN D.W. CORLEY
General, USAF Commander.

I also would like to submit for the RECORD a letter that I sent to President Obama and to Secretary Gates. It's signed by 199 of my House colleagues. It concludes that continued F–

22 production is in the national economic interest of the United States.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 21, 2009.

President BARACK OBAMA,
The White House,
1600 Pennsylvania Avenue, NW
Washington, DC.

DEAR MR. PRESIDENT: The Fiscal Year 2009 National Defense Authorization act requires your certification on continued F–22A Raptor production by March 1, 2009. We strongly urge your certification of continued production of this vital program.

Continued F–22 production is critical to the security of our nation. The F–22 is the nation's most capable fighter and the world's only operation 5th generation fighter aircraft in full-rate production. It is the weapon system we need to respond to potential adversaries who are increasing their air combat capabilities both in terms of technology and numbers of aircraft. Several nations have announced that they are developing stealthy, twin-engine, high-altitude, 5th generation fighters that will reach production within the next five to ten years. Additionally, sophisticated and highly lethal air defense systems such as the SA–20 and S–300/400 are proliferating worldwide.

Our nation has committed to procuring a total of just 183 F–22 aircraft. We are convinced that this number is insufficient to meet potential threats. After accounting for test, training, and maintenance aircraft, only about 100 F–22s will be immediately available for combat at any given time. Given that over 30 air campaign studies completed over the last 15 years have validated a requirement for far more than 183 F–22 Raptors to replace the original force of 800 F–15 A–D Eagles, it is clear that such a lean F–22 fleet is not consistent with America's national security interest.

The F–22 is a model production line. Since full-rate production began, the unit flyaway cost has decreased by 35 percent. If this certification is delayed, layoffs will begin as this critical supplier base shuts down. Once we begin to lose the F–22 industrial base that was created with billions of dollars of investment over many years, it will quickly become virtually impossible to reconstitute a production capability.

The F–22 program annually provides over $12 billion of economic activity to the national economy. As our nation faces one of the most trying economic times in recent history, it is imperative to preserve existing high paying, specialized jobs that are critical to our national defense. Over 25,000 Americans working for more than 1,000 suppliers in 44 states manufacture this aircraft. Moreover, it is estimated that another 70,000 Americans indirectly owe their jobs to this program.

The Honorable Phil Gingrey, MD (GA–11); The Honorable Kay Granger (TX–12); The Honorable Neil Abercrombie (HI–01); The Honorable John Dingell (MI–15); The Honorable Danny Davis (IL–07); The Honorable Chet Edwards (TX–17); The Honorable Todd Tiahrt (KS–04); The Honorable Thomas Price (GA–06); The Honorable Norman Dicks (WA–6); The Honorable David Scott (GA–13); The Honorable Bill Young (FL–10); The Honorable Jack Kingston (GA–01); The Honorable Mac Thornberry (TX–13); Honorable Hank Johnson (GA–04); The Honorable Ellen Tauscher (CA–10); The Honorable Sanford Bishop (GA–02)

The Honorable Ben Ray Lujan (NM–03); The Honorable Brian Higgins (NY–27); The Honorable Gresham Barrett (SC–03); The Honorable Christopher Carney (PA–10); The Honorable Timothy Bishop (NY–01); The Honorable Bill Shuster (PA–09); The Honorable Dean Heller (NV–02); The Honorable Jim McGovern (MA–03); The Honorable Shelley Berkley (NV–01); The Honorable John Barrow (GA–12); The Honorable John Larson (CT–01); The Honorable Phil Hare (IL–17); The Honorable John Sullivan (OK–01); The Honorable Ander Crenshaw (FL–04); The Honorable Adam Putnam (FL–12); The Honorable Mike Rogers (AL–03); The Honorable Michelle Bachmann (MN–06); The Honorable Doug Lamborn (CO–05); The Honorable Mary Bono Mack (CA–45); The Honorable Mike Rogers (MI–08); The Honorable Larry Kissell (NC–08); The Honorable Anna Eshoo (CA–14)

The Honorable Mike Simpson (ID–02); The Honorable Steve LaTourette (OH–14); The Honorable Alcee Hastings (FL–23); The Honorable Greg Walden (OR–02); The Honorable Corrine Brown (FL–03); The Honorable Collin Peterson (MN–07); The Honorable Robert Andrews (NJ–01); The Honorable Lincoln Diaz-Balart (FL–21); The Honorable Mark Souder (IN–03); The Honorable Rick Boucher (VA–09); The Honorable Joe Barton (TX–06); The Honorable Chris Smith; (NJ–04) The Honorable Brian Bilbray (CA–50); The Honorable Gary Miller (CA–42); The Honorable Ciro Rodriguez (TX–23); The Honorable Tom Latham (IA–04); The Honorable Jerry Moran (KS–01); The Honorable Peter Viscolosky (IN–01); The Honorable Jo Bonner (AL–01); The Honorable Donald Manzullo (IL–16); The Honorable Don Young (AK–At Large); The Honorable Peter Roskam (IL–06)

The Honorable Mario Diaz-Balart (FL–25); The Honorable Dave Camp (MI–04); The Honorable Kevin Brady (TX–08); The Honorable Paul Broun (GA–10); The Honorable Chris Murphy (CT–05); The Honorable Parker Griffith (AL–05); The Honorable Paul Sarbanes (MD–03); The Honorable Steve Scalise (LA–01); The Honorable John Carter (TX–31); The Honorable Pete Olson (TX–22); The Honorable Connie Mack (FL–14); The Honorable Eric Cantor (VA–07); The Honorable Peter King (NY–03); The Honorable Zack Space (OH–18); The Honorable Patrick Kennedy (RI–01); The Honorable Ginny Brown-Waite (FL–05); The Honorable Tom Price (GA–06); The Honorable Madeleine Bordallo (GU); The Honorable Ted Poe (TX–02); The Honorable Bill Posey (FL–15); The Honorable Jim Marshall (GA–08); The Honorable Louie Gohmert (TX–01)

The Honorable Henry Brown (SC–01); The Honorable Jim Langevin (RI–02); The Honorable Debbie Wasserman-Shultz (FL–20); The Honorable Kristen Gillibrand (NY–20); The Honorable Rob Bishop (UT–01); The Honorable Dean Heller (NV–02); The Honorable Michael Arcuri (NY–24); The Honorable Robert Brady (PA–01); The Honorable John Barrow (GA–12); The Honorable Michael Burgess (TX–26); The Honorable Suzanne Kosmas (FL–24); The Honorable Mike McCaul (TX–10); The Honorable Artur Davis (AL–07); The Honorable Joe Wilson (SC–02); The Honorable Jim Himes (CT–04); The Honorable Joe Courtney (CT–02); The Honorable Dan Boren (OK–02); The Honorable Patrick McHenry (NC–10); The Honorable Charlie Wilson (OH–06); The Honorable Kenny Marchant (TX–24); The Honorable Sue Myrick (NC–09); The Honorable Wally Herger (CA–02)

The Honorable Harry Teague (NM–02); The Honorable Chellie Pingree (ME–01); The Honorable Steve King (IA–05); The Honorable Lynn Westmoreland (GA–03); The Honorable Paul Hodes (NH–02); The Honorable Sam Graves (MO–06); The Honorable Leonard Boswell (IA–03); The Honorable Duncan Hunter (CA–52); The Honorable John Adler (NJ–03); The Honorable Gus Bilirakis (FL–09); The Honorable Michael McMahon (NY–13); The Honorable John Linder (GA–07); The Honorable Kendrick Meek (FL–17); The Honorable John Kline (MN–02); The Honorable Allen Boyd (FL–02); The Honorable Carol Shea-Porter (NH–01); The Honorable Mary Fallin (OK–05); The Honorable Robert Aderholt (AL–04); The Honorable Zach Wamp (TN–03); The Honorable Bobby Scott (VA–03); The Honorable Loretta Sanchez (CA–47); The Honorable Rodney Alexander (LA–05)

The Honorable Dave Reichert (WA–08); The Honorable Dennis Moore (KS–03); The Honorable Mike Turner (OH–03); The Honorable Daniel Maffei (NY–25); The Honorable John Culberson (TX–07); The Honorable Mike Conaway (TX–11); The Honorable Bob Latta (OH–05); The Honorable Richard Neal (MA–02); The Honorable Pete Hoekstra (MI–02); The Honorable Pete Sessions (TX–32); The Honorable Tom Rooney (FL–16); The Honorable Gabrielle Giffords (AZ–08); The Honorable Dan Lipinski (IL–03); The Honorable Steve Austria (OH–07); The Honorable Patrick Murphy (PA–08); The Honorable John Boozman (AR–03); The Honorable Kevin McCarthy (CA–22); The Honorable Joe Donnelly (IN–02); The Honorable Elijah Cummings (MD–07); The Honorable Buck McKeon (CA–25); The Honorable Nathan Deal (GA–09); The Honorable E. B. Johnson (TX–30)

The Honorable Joe Baca (CA–43); The Honorable Dan Burton (IN–05); The Honorable Elton Gallegly (CA–24); The Honorable Frank Lucas (0K–3); The Honorable Joe Crowley (NY–07); The Honorable Harold Rogers (KY–05); The Honorable Rosa DeLauro (CT–03); The Honorable Frank LoBiondo (NJ–02); The Honorable Bennie Thompson (MS–02); The Honorable Steve Rothman (NJ–09); The Honorable Jim Costa (CA–20); The Honorable Dan Lungren (CA–03); The Honorable Dana Rohrabacher (CA–46); The Honorable Nick Rahall (WV–03); The Honorable John McHugh (NY–23); The Honorable Ralph Hall (TX–04); The Honorable Lamar Smith (TX–21); The Honorable Tim Holden (PA–17); The Honorable Bob Filner (CA–51); The Honorable Maurice Hinchey (NY–22); The Honorable Trent Franks (AZ–02); The Honorable Mark Schauer (MI–07)

The Honorable Blaine Luetkemeyer (MO–09); The Honorable Tim Ryan (OH–17); The Honorable Grace Napolitano (CA–38); The Honorable Maxine Waters (CA–35); The Honorable Darrell Issa (CA–49); The Honorable Jeff Miller (FL–01); The Honorable Mike McIntyre (NC–07); The Honorable Dutch Ruppersberger (MD–02); The Honorable lleana Ros-Lehtinen (FL–18); The Honorable George Radanovich (CA–19); The Honorable Gregg Harper (MS–03); The Honorable Doc Hastings (WA–04); The Honorable Christopher Lee (NY–26); The Honorable Carolyn McCarthy (NY–04); The Honorable Dennis Rehberg (MN–At Large); The Honorable Randy Forbes (VA–04); The Honorable John Shimkus (IL–19); The Honorable Steve Israel

(NY–02); The Honorable Mike Ross (AR–04); The Honorable Steve Buyer (IN–04); The Honorable Paul Tonko (NY–21)

The Honorable Tom Cole (OK–04); The Honorable Donna Christensen (VI); The Honorable Sam Johnson (TX–03); The Honorable Brian Bilbray (CA–50); The Honorable John Fleming (LA–04); The Honorable Mike Coffman (CO–06); The Honorable Henry Cuellar (TX–28).

Madam Chair, I ask all of my colleagues to reject the Obama administration's posture on the F–22 and to support continued F–22 production as we consider this bill.

Mr. YOUNG of Florida. Madam Chair, I yield now 2 minutes to the distinguished gentleman from Georgia (Mr. BROUN).

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

Madam Chairman, yet again, the Democratic leadership has decided to close down this process. I have submitted an amendment to the Rules Committee to prohibit funding in this bill from being used to standardize ground combat uniforms across the military services. The House version of the defense authorization has language that was slipped in to require one standardized future ground combat uniform for the military to eliminate the uniqueness of the branches.

The Marine Corps has stated, ''A standardized ground uniform will negatively impact USMC recruiting, retention, and tactical/operational employment for deploying forces.'' Given the unique and differing missions of each of the branches, I believe that the leadership of each Service should maintain the flexibility to determine what uniform is best-suited for the specific role for its members.

I am very disappointed that we have been denied the opportunity to debate my amendment here today. I want to say I'm a strong supporter of H.R. 3326. I am a marine. Once a marine, always a marine. I am also one who believes in a very strong national defense. I believe the Founding Fathers meant for a strong national defense to be the major function of the Federal Government.

□ 1730

I applaud this bill, and I applaud the leaders on both sides for bringing this strong bill. I want to say I agree with my colleague, Mr. GINGREY, that I believe very firmly that we need to continue funding the F–22 and the C–17.

Mr. YOUNG of Florida. At this time, I yield 2 minutes to the distinguished gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I appreciate the gentleman from Florida for yielding me time and also the entire committee. Putting this particular budget together is not an easy task, and I'm very proud of most of the things that are in this particular budget. I, too, though, have a couple of concerns, as was originally indicated by the ranking member as well as the ranking member of the full committee, that deal with air superiority.

I'm just an old history teacher, but I realize in the 1930s this country decided to save money by cutting back on the P–35 construction. When World War II began, our bombers taking bomber runs were suffering casualty rates well over 20 percent. It was to the point we actually suspended some of those runs until we could go into an emergency production to build enough fighters to accommodate the bombers that we had. The bottom line is we were unprepared for a future we had not anticipated.

We don't have the luxury anymore to be in that type of a situation, which is why the air superiority which we've had since the Korean War is such an essential element of our defense structure and our defense posture.

And there are two elements that are essential for our air superiority. One is technical advancement. The other is production. The numbers that we have is as important as the technology. We cannot afford to find ourselves on the wrong side of history again. The world moves much too rapidly for that.

I have a great deal of gratitude for the long hours that were put in for this budget, and with a couple of exceptions in there where I have great concerns, I applaud the efforts and would like us to look seriously at that particular element of air superiority one more time.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I may consume.

Since we have talked so much about the F–22, I thought I would compare just briefly some of the history of our fighter aircraft.

For example, the F–4, which was one of the major aircraft fighters in the Vietnam War, we produced over 4,000 of those airplanes, yet we're only talking about 187 of the F–22s. Of the F–15s, we built 1,118 F–15s. We only have about half of them left today, and they're being phased out. The F–16. We built 2,230 F–16s. Today we only have about half of those left, and one day we will phase those out when Joint Strike Fighter comes on line.

But the history of buying and building the fighter aircraft and losing fighter aircraft when we are involved in hostilities is very, very telling. And it, again, we must say, it is important that our soldiers fighting on the ground have an American airplane overhead and not an enemy airplane with bombs and strafing guns, et cetera. So we'll discuss this more in detail when the amendment is offered.

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

Mr. MURTHA. Let me just conclude by thanking BILL YOUNG on all of the work he did and all of the rest of the subcommittee on the work they did.

And let me reiterate this is all about the troops being taken care of, making sure they have what they need. We put the full amount that the President requested for the people in Iraq and Afghanistan, and we made sure that we gave them a pay raise. And when I see those troops—whether it's in the field, at the bases, whether I see them overseas or I see the troops in the hospitals—I have such great admiration for what they do. And we're just trying to make sure they have everything that they need.

The F–22, as the gentleman from Florida says, we're going to argue that later. We would have to have 292 votes in the House; we'd have to have 66 votes in the Senate, so you can see the position I'm in and the problems that we would have if we were to go forward. I just want to make sure that the planes we have are robustly funded.

Ms. LEE of California. Madam Chair, I rise today in opposition to H.R. 3326, the Department of Defense Appropriations Act for FY 2010.

At a time when our nation is facing an unprecedented series of challenges, I believe we must do more to curb the runaway growth in defense spending.

Instead of spending a staggering 52 percent of the federal discretionary budget for the pentagon, we should be using this money to fund universal health care for all Americans, or to reform our educational system and train and prepare the next generation to run the green economy of the future, or to reorder our foreign policy around a smart security strategy that emphasizes development and diplomacy.

We cannot and should not continue to throw money at billion dollar cold-war era weapon systems while ignoring the needs and priorities of the American people.

I must note that it is about time we have included the full costs of our overseas deployments and other activities in the regular budget process and Defense Appropriations bill after years of the Bush Administration insisting the costs of the wars in Iraq and Afghanistan be kept from view.

Although I am pleased to see that H.R. 3326 includes language prohibiting the establishment of permanent military bases in Iraq or Afghanistan, it should come as no surprise that I believe the situation in Iraq and in Afghanistan does not lend itself to a military solution.

Madam Chair, I cannot support the $128 billion included in this bill for overseas operations which may further entrench the United States in conflict and continue us down a path to war without end.

As the daughter of a military veteran, let me close by saying I strongly support our troops as well as respect the necessity of adequately equipping them for the threats they face around the globe.

In the case of this bill, I strongly, support the recommendation of our President and our military leadership to halt production of the F–22 at 187 planes.

I urge my colleagues to oppose this bill, and to support the Murtha amendment to reallocate funds away from the F–22 advance procurement program.

Mr. TIAHRT. Madam Chair, I rise in support of H.R. 3326, the Fiscal Year 2010 Defense Appropriations bill. Although I am concerned that advanced capabilities are short-changed in the bill. Overall, the Defense Appropriations Subcommittee has worked in a bi-partisan manner to craft a very good bill. I urge my colleagues to join with me in supporting this legislation.

First, I want to highlight one important provision in this bill regarding the KC–X Tanker Acquisition. Over the past seven years, I have

worked with my colleagues on both sides of the aisle to address the real and growing need to recapitalize our aging KC–135 Tanker fleet. The committee has shown a real commitment to this vital program by providing $440 million in funding and instructive language.

Specifically, the directive language:

Recommends procuring 36 aircraft a year, over the current 12–15 a year. With over 500 KC–135 aircraft, it would take 40 years to replace these aircraft at 12 a year.

Requires production aircraft to be built in the United States—to strengthen our industrial base;

Ensures that any competition includes a 40-year life-cycle cost—to guarantee the American taxpayer get the best return on their investment.

This is the right direction to move the program forward.

Unfortunately the President, in his Statement on Administration Policy, has expressed strong opposition to the Buy-America language directing that production KC–X aircraft be built in the United States. This comes as both competitors—Boeing and Airbus—have already committed to building their tanker in America.

This provision is essential because Airbus has a history of promising American jobs and then shipping the jobs back to Europe when it suits their interests—as they did with the Light Utility Helicopter. I hope the President drops his opposition to the American worker and stand with us in demanding that the promises defense contractors make to this Congress and the American people are kept.

Second, as I previously stated, I am concerned with the lackluster investment in procurement and research and development accounts in this bill. In 1985, military modernization was around 45 percent of the defense budget. This year the modernization budget is set to represent only 31 percent of the budget request. It appears another defense procurement holiday is on the horizon.

The Obama administration has already slashed procurement budgets along with research and development of almost a dozen advanced weaponry systems our nation will likely need in the future. Some of these cuts include the Airborne Laser, the Future Combat Systems, the C–17, the Navy's next-generation cruiser, the Multiple Kill Vehicle, and the Kinetic Energy Interceptor.

In my opinion, this bill fails to make the adequate investments so our children and grandchildren will have the resources they need to protect this nation in the decades to come.

Despite my concerns, I believe this bill is still worth supporting. I will continue to work for additional resources for our military when we move to conference. In the meantime I urge my colleagues to join me in supporting this important legislation.

Mr. GENE GREEN of Texas. Madam Chair. I rise today in strong support of this bill. The Defense Appropriations bill funds a number of research and education programs, but most importantly it provides for the defense of our nation and for the men and women who serve in our Armed Forces.

This bill includes a pay raise and other benefits for our soldiers, sailors, airmen, and marines, making sure we provide them what they need and deserve. It provides a 3.4 percent military pay increase and $122.4 billion to fully fund the requested end strength levels for personnel. The bill continues efforts to end the practice of "stop loss" and includes funding to pay troops $500 for every month their term of service is involuntarily extended in 2010.

The bill also provides for those that have been injured defending our country by including $500 million for traumatic brain injury and psychological health. The bill also includes a total of $2.2 billion for the wounded, ill and injured programs. The bill includes $636 million for peer-reviewed research programs: $150 million for breast cancer research; $80 million for prostate cancer research; $30 million for orthopedic research; $25 million for ovarian cancer research; $15 million for spinal cord research; and $10 million for ALS research.

I would also like to express support for the inclusion of The Science, Technology, Engineering and Mathematics (STEM.) Initiative to be administered by HoustonWorks USA. Federal support is necessary, because this program will support the national agenda to promote STEM programs and increase exposure to careers in engineering among at-risk or hard-to-serve youth, an untapped human resource in our country's quest to increase the numbers of American engineers. The outcome of STEM awareness programs like this one is part of the process to grow the engineering pipeline, a critical step to answer some of the world's most important questions in science today. This project will benefit numerous individuals in the 29th District, and I thank the Committee for including funding for the project.

I am disappointed, however, funding was not included for restoration of the Battleship *Texas*. The historic Battleship *Texas* is the only surviving naval vessel that served in both World War I & II. In order to keep her from deteriorating further, the Battleship Texas Foundation in conjunction with the Parks and Wildlife Department, will permanently remove the USS *Texas* from the water and construct a dry berth at a cost of $29,000,000—we have secured funding in the past to assist with this project, but did not receive funding this year for our request. I ask that the Chair reconsider as future bills move forward, and I look forward to working with him on this project.

Madam Chair, overall this is a good bill that provides for the defense of our nation, our troops and their families, and a number of other critical projects and research initiatives. I urge my colleagues to join me in supporting H.R. 3326.

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

The CHAIR. All time for general debate has expired.

Mr. MURTHA. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. TITUS) having assumed the chair, Ms. BALDWIN, 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. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

HONORING THE MEMORY AND LASTING LEGACY OF SALLY CROWE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Resolution 682 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 682

Whereas Sally Crowe's career spanned 52 years of service, beginning in 1957 as a cashier in the Longworth cafeteria;

Whereas Sally moved to the Members' Dining Room in the U.S. Capitol in the 1960s and remained on the job there until her passing on June 28, 2009;

Whereas throughout her career she provided a warm and personal welcome to generations of Members, staff, and guests;

Whereas regardless of who managed the Members' Dining Room, Sally remained a fixture, serving with distinction and making a special effort to know every Member by name; and

Whereas Sally will be remembered for her sense of humor, her strong work ethic, and her unwavering commitment to serving the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives honors the memory and lasting legacy of Sally Crowe, extends its gratitude for her decades of exemplary service, and expresses its condolences to her family and friends at this time of loss.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of Senate Concurrent Resolution 35 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. DRIEHAUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

JUDICIAL SURVIVORS PROTECTION ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 1107) to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1107

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 ''Judicial Survivors Protection Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''judicial official'' refers to incumbent officials defined under section 376(a) of title 28, United States Code.

(2) The term ''Judicial Survivors' Annuities Fund'' means the fund established under section 3 of the Judicial Survivors' Annuities Reform Act (28 U.S.C. 376 note; Public Law 94–554; 90 Stat. 2611).

(3) The term ''Judicial Survivors' Annuities System'' means the program established under section 376 of title 28, United States Code.

SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

(a) ELECTION OF JUDICIAL SURVIVORS' ANNUITIES SYSTEM COVERAGE.—An eligible judicial official may elect to participate in the Judicial Survivors' Annuities System during the open enrollment period specified in subsection (d).

(b) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Director of the Administrative Office of the United States Courts before the end of the open enrollment period.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Director.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period under this section is the 6-month period beginning 30 days after the date of enactment of this Act.

SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN ENROLLMENT ELECTION.

(a) CONTRIBUTION RATE.—Every active judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period shall be deemed thereby to consent and agree to having deducted from his or her salary a sum equal to 2.75 percent of that salary or a sum equal to 3.5 percent of his or her retirement salary, except that the deduction from any retirement salary—

(1) of a justice or judge of the United States retired from regular active service under section 371(b) or 372(a) of title 28, United States Code;

(2) of a judge of the United States Court of Federal Claims retired under section 178 of title 28, United States Code; or

(3) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of title 28, United States Code,

shall be an amount equal to 2.75 percent of retirement salary.

(b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Contributions made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE.

(a) LUMP SUM DEPOSIT.—Any judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period may make a deposit equaling 2.75 percent of salary, plus 3 percent annual, compounded interest, for the last 18 months of prior service, to receive the credit for prior judicial service required for immediate coverage and protection of the official's survivors. Any such deposit shall be made on or before the closure of the open enrollment period.

(b) DEPOSITS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Deposits made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY.

Section 376 of title 28, United States Code, is amended by adding at the end the following:

''(y) For each year of Federal judicial service completed, judicial officials who are enrolled in the Judicial Survivors' Annuities System on the date of enactment of the Judicial Survivors Protection Act of 2009 may purchase, in 3-month increments, up to an additional year of service credit, under the terms set forth in this section. In the case of judicial officials who elect to enroll in the Judicial Survivors' Annuities System during the statutory open enrollment period authorized under the Judicial Survivors Protection Act of 2009, for each year of Federal judicial service completed, such an official may purchase, in 3-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in section 4(a) of that Act.''.

SEC. 7. EFFECTIVE DATE.

This Act, including the amendment made by section 6, shall take effect on the date of enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN ARTHUR ''JACK'' JOHNSON POSTHUMOUS PARDON

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (S. Con. Res. 29) expressing the sense of the Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. JACKSON of Illinois. Mr. Speaker, I reserve the right to object.

While it is not my intention to object to the bill, I wanted to thank Representative PETER KING for introducing this legislation in the House, and I was honored to join him as a cosponsor of this bill.

Mr. Speaker, Jack was the first African American to win the world heavyweight boxing championship and was a trailblazer. After defeating Tommy Burns and winning the world heavyweight boxing title in 1908, resentment grew as his wins continued and his flamboyant behavior unfairly earned him the disdain of many. In fact, it was his interracial relationships that led to his arrest on charges of violating the Mann Act's prohibition against ''transporting women across State lines for immoral purposes.''

Mr. Speaker, I felt compelled to come back to this floor because one of the chief advocates of this legislation is the late Vernon Forrest who came to this Congress 3 years ago, met with Members of the Congress in the House, met with Senator MCCAIN in the Senate, we had a press conference in the ''swamp'' to support this posthumous legislation on behalf of the late Jack Jackson. Vernon Forrest in Atlanta was shot this week 8 times in the back, and he will be memorialized, I believe, later this week or sometime this weekend.

I wanted to say on behalf of a grateful Nation and grateful Congress to the Forrest family how grateful we were for his conscientiousness, for his willingness to fight for something bigger than himself, and for the extraordinary legacy that he has left us all.

I want to thank the Judiciary Committee and Representative PETER KING for their extraordinary leadership in bringing this very timely bill to the Congress. And, as Ken Burns states, Jack Johnson's story was ''about freedom and one black man's insistence that he be able to live a life nothing short of a free man.''

Mr. Speaker, I withdraw my reservation and urge the immediate passage of S. Con. Res. 29.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 29

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas between 1901 and 1910, 754 African-Americans were lynched, some for simply for being ''too familiar'' with White women;

Whereas in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of ''prostitution and debauchery'';

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO THE FAMILY AND LOVED ONES OF BORDER PATROL AGENT ROBERT ROSAS

Ms. TITUS. Mr. Speaker, I ask unanimous consent that the Committee on Homeland Security be discharged from further consideration of the resolution (H. Res. 681) expressing condolences to the family and loved ones of Agent Robert Rosas and standing in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 681

Whereas since 1919, 108 United States Border Patrol agents have died in the line of duty;

Whereas, on July 23, 2009, on the Shockey Truck Trail near Campo, California, agent Robert Rosas Junior, a member of the United States Border Patrol since May 22, 2006, was killed by gunfire while serving in the line of duty;

Whereas since 2008, more than 50 Border Patrol agents have been targeted by gun fire while hundreds of others have been subject to other forms of attack;

Whereas since 2006, over 10,000 individuals have been killed as a result of ongoing violence on the Southwest border;

Whereas, despite an increased security presence along the Southwest border in recent years, Border Patrol agents are under constant threat of violence and contact with drug, weapons, and human smugglers, drug cartels and other organized crime, and transnational criminals;

Whereas the killing of Agent Rosas represents the ever-present danger associated with the Southwest border, affecting law enforcement and communities in both the United States and Mexico;

Whereas agent Rosas' death serves as an important reminder that we are engaged in a serious effort to secure the Southwest border, led by the approximate 17,000 agents currently stationed along our Nation's 1,969-mile land boundary with Mexico;

Whereas the bravery and devotion to duty demonstrated by agent Rosas has forever earned him a place in the hearts and memory of his fellow Americans and the men and women of the United States Border Patrol who risk their lives daily to protect the safety and security of the United States people;

Whereas agent Rosas, after starting his law enforcement career in 2001 as a reserve officer in El Centro, California, aspired to be a member of the United States Border Patrol;

Whereas agent Rosas was beloved for his desire and dedication to serving others, earning the respect and admiration of his colleagues, but most of all by his devotion to his wife, Rosalie, and their two children; and

Whereas in the face of this loss, the Department of Homeland Security and law enforcement immediately reaffirmed that acts of violence against Border Patrol agents will not stand: Now, therefore, be it

Resolved, That the House of Representatives expresses its condolences to the family and loved ones of Agent Robert Rosas and stands in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1745

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TONKO). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 508, de novo;

H.R. 2093, de novo;

House Resolution 675, de novo;

House Concurrent Resolution 159, de novo.

RECOGNIZING GENERAL AVIATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 508.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 508.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CLEAN COASTAL ENVIRONMENT AND PUBLIC HEALTH ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2093, 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 Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 2093, as amended.

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

A motion to reconsider was laid on the table.

CONDEMNING TERRORIST ATTACK IN INDONESIA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 675.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 675.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE FIFTH ANNIVERSARY OF THE U.S. DECLARATION OF GENOCIDE IN DARFUR

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 159.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 159.

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

A motion to reconsider was laid on the table.

STIMULUS PACKAGE SAVING AND CREATING JOBS IN CINCINNATI

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

Mr. DRIEHAUS. Mr. Speaker, if you want to see where the stimulus package is saving and creating jobs, come to Cincinnati.

Yesterday, the Department of Justice announced $17 million in grants for local law enforcement in my district. These grants will help local governments that are struggling to maintain services. But more than that, this funding is going to keep 66 full-time officers on the streets protecting the people of greater Cincinnati.

Some of my friends in this Chamber have said that the stimulus isn't working. Ask the 66 officers who will still have their jobs whether or not the stimulus is working. Ask their families. Ask people in the neighborhoods they are protecting.

Public safety matters, and the stimulus is working to keep our communities safe.

TRIBUTE TO AMBER AIMAR

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

Mr. ROE of Tennessee. Mr. Speaker, I rise today to honor a great American who also happens to be a member of my staff.

Mr. Speaker, we all know the vital role our staff members play in our individual offices and in the U.S. Congress as a whole. My scheduler and office manager, Amber Aimar, was instrumental in getting me, a new Member, off the ground and running. I found out firsthand that success of the first few weeks has a huge impact on the months to follow. We succeeded, and it was due in large part to Amber.

Amber has been essential to me, but her contributions have reached far beyond the confines of my office. Numerous times constituents have called with an urgent problem; and, because of Amber, they have found a solution that saved the day.

She began her career working with my colleague and friend, JOE WILSON from South Carolina. Amber was just as instrumental in South Carolina's Second District, and I was very fortunate to get her into the Tennessee delegation.

Amber and her husband, Allen, and their son Alexander are moving to Ohio. This move will begin a new chapter in their lives. We wish them only the best and look forward to their future success.

Mr. Speaker, we will all miss them greatly.

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.)

STRUGGLES AND HARDSHIPS FACING KEY WEST, FLORIDA

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

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday, the host of ''The Today Show'' profiled Key West, a city in my congressional district. It is a city of natural beauty, coupled with a history that is quite unique. And while viewers were able to see the TV host ride rickshaws and tour many sites, such as Ernest Hemingway's home, and I am glad they featured my good friend from Key West, Tom Oosterhoudt, there is another side of Key West off of Duval Street that warrants attention.

While Key West is a great place to get a slice of key lime pie, it is also a city with high unemployment, high insurance rates, and one of the largest homeless populations for its size. According to recent numbers, the Florida Keys has over 1,000 individuals who are homeless. The reality is that off of Duval Street, there are struggling individuals and struggling families.

Thankfully, there are several noteworthy organizations which serve the Keys community with a selfless dedication to those at-risk individuals. One example is Samuel's House. This is a beacon of hope for those who need help.

Founded in 1985, Samuel's House provides a nurturing environment for homeless women and women with children. It also affords them resources that are beneficial to their physical, mental, emotional and spiritual well-being.

I had the privilege to meet with several staffers from Samuel's House this week here in D.C., and I heard the first-hand account from a mother whose daughter was saved due to the assistance and care provided to her by Samuel's House.

Samuel's House also runs Kathy's Hope, another Key West facility, which provides permanent housing for women who are chronically homeless and in recovery from alcohol and drug addiction. It is a safe haven where women can go through recovery while also remaining self-sufficient and pursuing their life goals to better themselves.

Key West is also blessed to have the Southernmost Homeless Assistance League, SHAL. Under the direction of Reverend Steven Braddock, SHAL is a community coalition dedicated to the special needs of people who are homeless or at risk of homelessness.

SHAL provides grants to shelters and organizations like Samuel's House so that they can continue their good work for all of us in the community. SHAL also provides housing assistance, medical assistance, substance abuse programs, and job training resources to at-risk individuals and their families.

I am grateful for the dedication and caring exhibited by their staff, and they deserve our recognition.

Another problem unique to the Florida Keys is one of housing. We have a problem with nonconforming downstairs enclosures. Through years of mismanagement and lax oversight by Monroe County and FEMA, many Keys homeowners built what they considered legal downstairs enclosures.

Residents with nonconforming disclosures are denied the ability to acquire flood insurance. In an area with a long history of hurricanes and other severe weather events, this is intolerable. Florida Keys homeowners are required to bear the price of mistakes made by the county and FEMA for structures that were issued permits and were legally constructed.

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This is a community which cannot afford the expense of renovating existing structures while they struggle to make ends meet week in and week out. While homeowners continue to struggle with onerous regulations, the issue of water quality is also a major concern for Key West and the entire Keys. The Florida Keys serve as the entry point to Everglades National Park. It's surrounded by the National Marine Sanctuary as well as one of the largest and most vibrant coral reef systems in the world. This is an area of national treasure; and as such, ensuring the cleanliness of the waters surrounding these important ecosystems should be a national concern. Since being elected to represent the Florida Keys in 2002, I have fought hard to bring Federal funding from Washington to the Florida Keys for its wastewater project. To date, the area has received more than $35 million in congressionally appropriated dollars. I am pleased to note that construction has already started throughout the Florida Keys. And yes, while more Federal funding is needed, I am thankful for the commitment made by Florida Keys residents and the elected officials to utilize existing Federal funds in the near term. The Florida Keys is an area of great beauty, but we must be aware that even in paradise, people go through struggles and through hard times. These hardships take many faces: an individual on the brink of homelessness, a homeowner who is unable to obtain flood insurance due to a downstairs enclosure, or a community worrying about the cleanliness of their water supply. These are some of the daily trials and tribulations that Keys residents sometimes face off of Duval Street.

Thank you, Mr. Speaker, for the time.

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

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

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.)

DENOUNCING THE ATTACK ON CAMP ASHRAF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to condemn the brutal attack on the residents of Camp Ashraf, Iranian exiles, by the Iraqi police forces. Yesterday I learned that Iraqi police forces are beating unarmed Camp Ashraf residents and that they have been brutally assaulting them. I have been informed that this attack has resulted in at least eight deaths and over 400 injuries. This beating of unarmed men and women is despicable, and my understanding is that the unjustifiable attack is still underway.

These Iranian exiles are unarmed today because they voluntarily surrendered their weapons to United States forces in exchange for a U.S. guarantee of their security in 2003. They are protected persons under Article 27 of the Fourth Geneva Convention. The attack on these unarmed persons violates not only international law but also basic human rights. The European Parliament, Amnesty International and other international organizations have expressed deep concern about the safety of these Iranian exiles. Furthermore, when United States forces withdrew from Camp Ashraf, the United States and Iraq signed an agreement that the Iraqi Government would guarantee their safety. The Iraqi Government is not keeping its promise, and it is not upholding its obligations under international law.

The Iranian dictatorship's fingerprints are all over this attack. The residents of Camp Ashraf are enemies of the Iranian regime. Camp Ashraf residents have been a vital source of intelligence information on the Iranian regime's nuclear, chemical and biological weapons programs and other important intelligence information. As a result, the Iranian regime, under the direction of the tyrannical so-called Supreme Leader, is putting immense pressure on the Iraq Government to hand over the Iranian exiles in Camp Ashraf. In a meeting on February 28 of this year, the Supreme Leader urged the Iraqi president to expel the Iranian exiles at Camp Ashraf immediately.

This incursion by Iraqi forces appears to be an ugly attempt by the Iraqi Government to appease the Iranian regime. They may even return these exiles to Iran. That would be a condemnable and cowardly act. In a public statement on August 28, 2008, Amnesty International expressed profound concern that those Iranian exiles would suffer torture and even death if they were forced to return. And as we've seen since the sham election on June 12 of this year, the Iranian dictatorship's deep hatred of those who oppose its cruelty and repression would mean almost certain death for the Iranian exiles and their families if they are repatriated to Iran. We must do everything in our power to prevent such an atrocity from taking place.

Already, the Congressional Iran Human Rights and Democracy Caucus, the chairman and ranking member of the House Committee on Foreign Affairs, the European Parliament's Friends of a Free Iran, the European Parliament's International Committee in Search of Justice and others have expressed deep concern over the treatment of Camp Ashraf residents at the hands of the Iraqi Government. Today Iranian Americans from around the United States have begun a hunger strike at the White House to demand that these attacks be stopped, that abducted Camp Ashraf residents be returned and that international groups such as the United Nations and the Red Cross who want to be able to get into Camp Ashraf be permitted to do so.

I call on President Obama to demand that the Iraqi Government immediately put an end to this attack. We must not stand by and allow physical aggression against unarmed Iranians in exile. We must stand with the Iranian pro-democracy activists, both in exile and inside Iran, who work for the day when the people of Iran can live free, free from fear and free from oppression. We must ensure that the protection that the Iranian exiles were promised by the United States is given to them and that this aggression cease.

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.)

DO NOT CUT THE PRODUCTION OF F–22 AIRCRAFT SHORT

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

Mr. BISHOP of Utah. The Obama administration and Secretary Gates have gone to great lengths to say that they want to stop the production of the F–22 for the Air Force. I have made a mistake. I have to admit, I have been reading some of the blogs on the comment board, and I am amazed at some of the shallow analysis of this particular decision. So since tomorrow we are going to be debating and discussing the Defense appropriations bill, I would like to take just a few moments today and simply talk about this issue, the F–22 and the Air Force, along four areas.

One is the military necessity for this plane; two and three are the ways we keep our air superiority, both by technology and the number of planes we have; and then finally, the priorities and what it says about this particular Nation.

Two years ago the military was unanimous when they came before our committees and said that we need 381 F–22s and that 250 put us at a moderate risk. Now today Secretary Gates will tell us we only need 187, not the 381 planes. One has to ask, what has changed? Has the threat this Nation faces changed? Or is it simply the political climate that may have changed? In the last 15 years, there have been 30 independent separate studies, all of which say the same thing: 243 is the minimum number of F–22s we need; and at that, our air superiority faces a moderate risk. Air Combat Command General Corley has written a letter saying he needs at least 243 planes, F–22s, and that his command was not consulted when the decision to cap at 187 was actually made. The Air National Guard General Wyatt has also written a letter to our colleagues in the Senate, saying he needs at least 243 to 250 F–22s. General Schwartz, Chief of the Air Force, has already publicly stated that 243 is the minimum we need; and when asked in front of our committee, Is 187, that particular number, a military decision of what we need or is it the political decision of what we can afford?, he simply said, It is what we think we can afford.

The bottom line is that nowhere has there been any study conducted to say that 187 is the correct number. In fact, that number has been contradicted. General Corley of Air Combat Command clearly said that with 187, the Air Combat Command could not fulfill its air force function. Is this a military decision? Does the military still want the F–22? And the answer is clearly, yes. Secretary Gates does not want the F–22. The 187 F–22s is a political, not a military, number; and the House, who has already voted to maintain the higher number should not back off in relationship to what the Senate has particularly done.

Let me go also to this concept of air superiority. The United States has had air superiority since the Korean War, and there are two aspects of that: technology as well as the numbers that we have. I hate to say this, but before I came to Congress, there were air games that the United States engaged in with the Air Force of India. We used F–15s. We didn't use everything at our disposal; but the only reason we won those air games is because of the ability of our pilots, not because we have the technology to do it. The technology level of the United States, as good as the 15 and the 16 airplanes are—which are 30 years old—is that we still have the same technology advantage as a third-world Air Force. The F–22 moves us forward in that technology debate. However, just having the technology doesn't work if you don't have the numbers. The Russians are already building their fifth generation, and they are scheduled to build about 600 of their next-generation fighters. They will only keep about 350 for themselves. You have to ask the logical question, What will they do with the others? They will sell them. And where will they go? The bidders right now are countries like Venezuela and Iran, countries that are not necessarily friends of ours, but countries that could become a problem with this new generation of fighter that they buy from the Russians.

We have been told that the F–35 is enough for what we need. However, the F–35 is not a replacement for the F–22. And the problem is, we won't even get an F–35 under the best of circumstances before the year 2014, and there is some indication that it may be the year 2016 before that takes place. We are in a situation where this administration clearly puts $5 billion in programs like ACORN but doesn't want to put $2 billion to continue the production of the F–22, vital to the defense of this particular country.

Is this plane expensive? Yes. Is this plane militarily required? Yes. Is it useless? No. Is it a Cold War element? Well, actually, almost everything we have is a Cold War element. We just simply try to improve them as time goes on. What we are dealing with now, Mr. Speaker, is simply the concept that we are dealing with what we need in the next 15 to 20 years. And in that particular situation, the F–22 is what we need for the future defense of this country.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–235) on the resolution (H. Res. 691) providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECOGNIZING THE ANNIVERSARY OF THE ENACTMENT OF MEDICAID AND MEDICARE

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

Mr. DAVIS of Illinois. Mr. Speaker, as we continue with the debate surrounding health reform, I wish to take a moment to recognize the anniversary of the enactment of Medicare and Medicaid into law. Since July 30, 1965, when Lyndon Johnson signed the bill creating these fundamental health initiatives, these two programs have evolved together to reliably meet the demands of aging and medically vulnerable Americans who may not have had access to medical attention otherwise. Medicare and Medicaid currently provide a lifeline to over 100 million Americans. In my district, I can attest that Medicare and Medicaid serve as an indispensable safety net for many constituents. The Seventh Congressional District of Illinois includes some of the most medically underserved communities in America. Census data show that 24 percent of families and 44 percent of children under 18 live below the poverty line. In fact, some communities on Chicago's west side experience infant mortality rates comparable with third-world countries. In the State of Illinois, 14 percent of all residents are enrolled in Medicare and 19 percent in Medicaid. Clearly these government health programs provide vital health care coverage to Illinoisians when almost one-fifth of the State is covered by Medicaid and one-sixth by Medicare. Indeed, Illinois' mothers and children are the biggest beneficiaries of Medicaid. This Federal program finances 40 percent of total births in Illinois and helps ensure that over 1 million children in Illinois receive access to affordable health care. It is this commitment to our citizens that drives Congress to work actively for comprehensive health reform. We must provide a public option within that reform. Further, we must continue to support and expand community health centers as outstanding deliverers of primary care. These providers are proven to reap solid benefits to our patients, communities, and State and local governments in terms of efficiency. For example, Medicaid beneficiaries relying on health centers for usual care were 19 percent less likely to use the emergency department than Medicaid beneficiaries using outpatient and office-based physicians for usual care. Overall, health centers save the health care system between $9.9 billion and $17.6 billion annually, a figure that will grow.

I acknowledge the tremendous step that Lyndon B. Johnson took 44 years ago when he signed the Medicare and Medicaid bills into law as titles XVIII and XIX of the Social Security Act. We must continue to make use of these programs because they have served us well and will continue to do so.

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

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

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

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

HONORING OUR BORDER PATROL AGENTS

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

Mr. BILBRAY. Mr. Speaker, on the 23rd of this month, Rosalie Rosas watched her husband go off to work. She stayed at home with Robert, her son, 2, and Alesa, an 11-month-old baby, thinking that the next morning her husband, Agent Rosas, would be back at home with the family. Sadly, that wasn't to be.

Agent Rosas was in the Campo area of southern California serving a nation that he looked forward to serving for so long; a young man who had grown up in the Imperial Valley area, had served as a reservist, always looked forward to being a Border Patrol agent. While alone, he detected individuals crossing the border. Somewhere in the process of confronting the illegals crossing the border, Agent Rosas was murdered by those illegals.

Mr. Speaker, Agent Rosas' situation, and more importantly, the situation of Rosalie and the two children, is something that all Americans should remember, that there are Americans every day that are not only defending this country far, far away, but there are agents every day and every night that stand on the border, stand in ports of entry or throughout this country, standing up and defending this country from incursions from across the border and from foreign lands.

Agent Rosas died in the service of this country, was murdered in the service of this country, and Rosalie and the two kids will never be the same, and neither should this country.

Mr. Speaker, there are Border Patrol agents today that are in the sweltering heat of Yuma, Arizona, across the Texas frontier, that confront smugglers every day from New Mexico to San Diego. And they do not know which one of the individuals they are confronting, if it's just an innocent illegal who happens to not realize that you can't come into this country illegally anymore, somebody that may not mean harm but is being brought in by vicious, terrible smugglers who not only smuggle illegals, but smuggle drugs. That agent doesn't know if the person they're confronting is going to surrender or draw a firearm and kill him immediately.

Agent Rosas was shot in the head and killed. But he was able to wound one of his assailants, and the assailant later was detected as far up as northern California, and he was arrested there. With the cooperation of Mexican officials, we were able to apprehend individuals in Mexico.

But I think that more important than talking about the crime that was committed at our border—something that I think all Americans should have known was coming when we've seen the violence that has occurred on the other side of the border for far too long—Americans should have known this violence was going to cross over, while we continued to turn a blind eye to the illegal activity along our border, because it just wasn't politically proper to raise the issue that crime and violence is occurring along our frontier.

No, the thing that I would like to remember tonight is that Agent Rosas is just one of many that are out there in the terrible heat of the summer, the terrible cold of the winter, through rain and sleet and snow and whatever it takes to do their duty, and doing it in a nation that tends not to recognize their true service.

Mr. Speaker, we use the word ''hero'' a lot of times in this country and, sadly, we use it too often instead of using the word victim. But there is a big difference, Mr. Speaker, between a victim and a hero. A victim is someone who is at the wrong place at the wrong time and suffers for it. But a hero is someone who willfully puts themselves in harm's way at the wrong time and suffers for it. And I do not think we should, as a society, ever forget the difference between a victim and a hero.

Agent Rosas is a true hero, somebody who served this country. And we should all remember, as his services are held this week, that his services are in recognition of not only his sacrifice and his family's sacrifice, but of the sacrifice of men and women around this country that defend us along our borders.

I think it goes without saying that all of us in Congress want to send out our heartfelt sympathies to Rosalie and Rob and Alesa for their great loss and their great contribution by losing their father. I hope we all remember that there are fathers and mothers around this country that we ought to appreciate while they're alive and not just honor them when we lose them.

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

(Mrs. BACHMANN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

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

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

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, I appreciate your recognizing us on a very interesting and important topic, something that I believe that anybody who pays much attention to what is happening in Washington, D.C., is quite aware of. That is the subject of health care, something that impacts every single American in our country, affects our budget, and affects our family members, and is something of great interest.

I would like to start tonight by just backing up, though, about 4 weeks or so to this very Chamber that we are meeting in, that we are talking in today. It was here, during a day that we were debating a bill that was called cap-and-tax, and it was the largest tax increase in the history of our country.

Now, what happened right before that was of interest because at 3 o'clock in the morning a 300-page amendment was passed to an 1,100-page bill. And as we were debating this bill on the floor, because of the speed with which the Democrats moved we didn't even have a copy of the bill on the floor. You are supposed to have a copy at least so in case somebody wants to check a fine point, they could read it.

Of course no one had read the 1,100-page bill. And certainly what was happening right behind me at the dais, we had good staff people hurriedly trying to put those 300 pages of amendments

in the 1,100-page bill, and we are debating a bill and there's no copy on the floor. And the thing was passed without, as I recall it, a single Republican voting for it, and Democrats all voted for it.

Now, the public doesn't like it when we pass bills that we don't know what's in them or haven't read them, and we've been embarrassed a number of times this year by that same process. Why do you pass a bill that people haven't had a chance to read or don't know what happened in the dark of night, or the amendments?

Mr. HOEKSTRA. If the gentleman will yield?

Mr. AKIN. I do yield to my very good friend from Michigan. Please jump in.

Mr. HOEKSTRA. I thank my colleague for yielding. But I think the issue that we see in front, that you've highlighted with the cap-and-trade bill, actually begins much earlier in the new Congress and the new administration. It was only the second day of the new administration when the President indicated that we are going to close Gitmo, we are going to close Guantanamo. He announced a whole series of task forces that were going to evaluate and present a plan as to how this was going to happen.

The first thing is, you don't set a deadline without a plan. And the President is now finding out that perhaps he got out in front of himself because a couple of the task forces were supposed to report within the last couple of weeks, and they've missed their deadlines. And the reason they've missed their deadlines is that they started looking at closing Guantanamo—an objective that President Bush had before him—it's like, whoa, this is more difficult than what we thought, and we may not be able to do it. So we had an objective without a plan. And I'm not sure what's going to happen here, but we may get to the same point where we get to January of 2010, and we won't be able to accomplish it.

Then you go again, before cap-and-trade, $787 billion in a stimulus plan that was rushed through the House, rushed through the Senate, made its way to the President's desk, and he signed it. And here we are now, what, 4 months——

Mr. AKIN. And just reclaiming my time for a minute, that was the stimulus plan, as I recall—was that the one that had the special bonuses for insurance executives and it was a finger-pointing deal as to who put this in in the dark of night?

Mr. HOEKSTRA. It is. And we're trying to find out exactly who put it in. But it was $787 billion, and I think the promise was something like, this is going to ensure that the unemployment rate will not exceed 8 or 8.5 percent on a national basis. We are now at 9.5 percent; in Michigan we're at 15.2 percent. The money is going out a lot slower than what people anticipated. It's going to a lot of questionable projects that we are now starting to find out where this money is going. It's $787 billion on the backs of our kids and our grandkids. We now, last month——

Mr. AKIN. This is exactly the same bill, just to put this in perspective, this is a bill that if we didn't pass it, we might see unemployment at 8 percent, right? Is that the same bill?

Mr. HOEKSTRA. That's right. It's the same bill.

Mr. AKIN. Now unemployment is whatever it is, 9 something.

Mr. HOEKSTRA. 9.5 percent. And I believe next week we will see a new number, and it will probably be somewhat higher.

But we've seen higher unemployment numbers than what was promised under this bill. We see people questioning whether the bill is working or not. It's being spent out slower than what people expected it to be spent out. And last month, at the end of June, think about it, we have, for the first time, exceeded $1 trillion for a deficit for 1 year.

And then we hurry through and we do cap-and-trade, which, again, you can argue about the bill, but it was passed. And it wasn't passed in the middle of the night—although 350 pages of it were inserted in the middle of the night. And now we are in this mad rush to pass health care. And every day we're hearing about there is going to be this new markup or that new markup. And this affects 16 to 18 percent of the U.S. economy, and it is going to be done without a full hearing.

Mr. AKIN. Just reclaiming my time, what you're saying is pretty incredible. What you're saying is a bill that we've been working on for some number of weeks that is going to put the government in charge of all of health care in America, basically the government is going to be taking over, what is it, just under 20 percent of the U.S. economy——

Mr. SCALISE. Would the gentleman yield?

Mr. AKIN. I do yield to my friend from Louisiana.

Mr. SCALISE. And I appreciate my friend from Missouri yielding.

Of course when President Obama brought that stimulus bill and he said that this would stave off the unemployment rate that was approaching 8 percent—of course now at 9.5, approaching 10 percent—added $800 billion to our national debt, a real offshoot of that stimulus bill since the President passed his stimulus bill, 2 million more Americans have lost their jobs. And so we see more people unemployed, in large part because of this big-government approach like the stimulus bill, then that cap-and-trade energy tax that they brought, and now we see this health care bill.

I'm on the Energy and Commerce Committee. We were supposed to have another meeting tonight to take up amendments to this proposal by President Obama and Speaker PELOSI to have a government takeover of health care—a devastating approach to really addressing the problems that we can address in a very specific way instead of this government takeover. But now they're short on votes, and they're definitely having problems getting the votes, which is, I think, in large part because Americans across the country have started to see some of the details of this bill, and they realize how bad of an approach it is.

Just the other day when they canceled the vote on the House floor that was supposed to occur this week, you saw the stock market actually take off. So American families out there who have retirement accounts and pension funds actually saw an increase, not because of the policies of this administration working, but because Americans finally saw that some of this Big Government approach, this government takeover of health care, actually is in trouble, and that's what really got the economy back going again. So I think you can see their approach is actually hurting the economy instead of helping the economy.

And so I yield back to my friend from Missouri.

Mr. AKIN. Reclaiming my time, in summary, then, we've just been taking a look at the last 6 months—and it has been a scary 6 months—but we've seen a pattern. We've seen a pattern of rushing to spend a tremendous amount of money, or rushing to tax the taxpayers a whole lot, without letting people be aware of what's in the bills. And we've had a pattern of a lot of fiscal mistakes.

□ 1830

We have a pattern of an unprecedented level of spending and taxation. But there is also the pattern of doing it in the dark of night, and that's what I wanted to get to on this health care thing.

What I would like to do is let's talk a little bit about whom do you want to keep in the dark on this? Who would naturally be opposed to a government takeover of health care? That's where I would like to go, because I think a lot of people are interested. Well, hey, if I were a congressman or how would I want my congressman to vote or what's my position on this? Well, there are a lot of groups of people that are be going to be affected very seriously by this government takeover of health care, and I think that's what we need to talk about.

I yield to my good friend from Michigan.

Mr. HOEKSTRA. I would put forth the premise that maybe we should just set health care aside for a period of time and take a look at this $800 billion that we have put on the backs of our kids. I mean, if we have committed to spending $800 billion to stimulate the economy and it's not working——

Mr. AKIN. Unemployment is still going up

Mr. HOEKSTRA. Unemployment is still going up. Maybe Congress ought

to stay in session, and rather than taking a look at another massive program that we're not sure whether it's going to work or not—I am not saying health care reform is not important. It's essential. It's vital that we do it, but—

Mr. AKIN. How you do it is important.

Mr. HOEKSTRA. How we do it is important. But let's step back. Maybe Congress ought to stay in session for the month of August, and rather than doing another half-baked idea, let's take a look at this stimulus program worth another $800 billion——

Mr. AKIN. Fix the other four or five half-baked ideas we've already started.

Mr. HOEKSTRA. And finish the half-baked ideas that we have started.

Too often we think here in Washington that if we pass the bill, we have solved the problem. In the business community, if you get the agreement from the board of directors and say, okay, PETE, you've got the approval to move ahead with this new product launch. We are going to invest $2 million to build this product to do the marketing campaign, and you just kind of walk away from it and say, well, I guess I have that one done. No. What the board of directors would ask you is, by the way, we are investing $3 million, $4 million, $5 million on this. We want an update every quarter. As a matter of fact——

Mr. AKIN. So we passed the stimulus bill. The purpose is to make sure that we don't have unemployment and that we've got plenty of jobs. And here we are, whatever it is 4, 5 months later, and the board of directors, which is the public, is saying we're at 9 percent unemployment, which is a conservative number, and rising, and you guys just spent whatever it was, almost $800 billion, to make sure this doesn't happen.

Mr. HOEKSTRA. You spent $800 billion of our money, the public's money, to deliver a result of 8 percent unemployment or less. You're clearly missing the targets. Maybe you ought to go back and reevaluate, and reevaluate the $800 billion rather than talking about a second stimulus package which is going to spend even more money.

Mr. AKIN. The funny thing is that these are not Republican targets. These are not our targets. This is the President's target. He's saying 8 percent if you don't give me the stimulus. He gets the stimulus bill and now it's 9.

I yield to my friend from Louisiana.

Mr. SCALISE. Back in Louisiana there's something called the ''rule of holes.'' And what the rule of holes says is if you find yourself in a hole, the first thing you do is you stop digging. And here they are. They brought this bill, the stimulus bill, $800 billion of debt for our children and grandchildren that's actually led to increased unemployment. Clearly their approach didn't work, as many of us predicted it wouldn't. You would think the first thing they would do is say, okay, yes, that was something that they did wrong. Maybe we should go look at some of these Republicans who put alternative ideas on the table and suggested and maybe we'll look at their ideas. And instead they talk about spending even more money. In fact, the Vice President just 2 weeks ago said that they need to keep spending even more money to keep from going bankrupt, as if anybody can make any sense out of that. But then they filed this bill to propose a government takeover of our health care system.

And I want to show you right here, this is a depiction of the actual organizational chart of their proposal.

Mr. AKIN. That actually looks like a structure that will——

Mr. SCALISE. If you look at this, I think—and, clearly, we have reforms that we need to make in our health care system. Commonsense ideas like allowing portability so if somebody leaves a job, they can take their health care with them, or removing the discrimination against preexisting conditions. I don't think it's fair that if somebody gets cancer that they can literally be discriminated against in their health plan. We addressed that in our proposals. Unfortunately, what they proposed is this new system where they have dozens of new bureaucracies.

Mr. AKIN. I hate to interrupt, but I've got this chart up here and you've got that chart up there, and the two charts aren't the same. Even though I don't like reading complicated charts, it's obvious to me there's a red box on your chart that isn't on my chart. This is my understanding of the Democrat proposal for health care, to take over 20 percent of the economy. And this is very much of a simplified chart of what is being proposed. When the government takes something over, they have got an awful lot of different things to connect. And yet your chart has got this big red box on it. I would like you to explain where that thing came from.

Mr. SCALISE. I think the gentleman from Missouri makes a very important point. We put this chart together based on their bill, the bill that President Obama, Speaker PELOSI, and many of the other liberals who are running Congress put this bill together, proposed a government takeover of heath care. They create all these new dozens of bureaucracies.

I think the most important relationship in health care is that relationship between the patient and the doctor. And look at what their bill does to create dozens of new Federal bureaucratic agencies that come in between the doctor and the patient.

So when we put this chart together to actually show what their bill does, the Speaker censored this document, literally said we can't send this out to the public.

Now, I'm holding this up because I have the ability because we're here on the floor, but I, by the rule of the Speaker, can't even send this to my constituents back home. People want to know what their bill does, and they're trying to censor that information from being shown to the public. But the public is figuring it out anyway, and they see dozens of new bureaucrats. A health care czar that can ration care.

Mr. AKIN. Reclaiming my time, what you're saying goes to a little bit more even than the health care debate. We are talking about the right to free speech. What you just said, as a Member of the U.S. Congress from the State of Louisiana, if you'd like to communicate to your constituents a flowchart of the bill that the Democrats proposed, they will not allow you to do that, and if you were to send that to them, they would make you pay for the thing personally. Is that what you're saying?

Mr. SCALISE. That's exactly what I'm saying. I represent about 650,000 people in Southeast Louisiana, people who are starting to look at the details of this bill, and they don't like what they see because what they see is government bureaucrats in Washington telling them which doctor they can see or even if they can get a medical procedure and the ability by this new health care czar that you can't even see because it's censored by the Speaker to ration care——

Mr. AKIN. Reclaiming my time, you're getting at the very heart of what I want to talk about today, and that is there's a reason to censor something, because you don't want somebody to know something. There is somebody who is not going to like this bill, and you just told us one of the groups.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. AKIN. I would like to yield to my friend, who is actually the top guy in the Intelligence Committee. We need to pay attention to him, my good friend Congressman HOEKSTRA.

Mr. HOEKSTRA. I think one of the things that we need to be a little careful about, we keep talking about ''the bill.'' And being a member of the Energy and Commerce Committee, you know very well that the bill that you have today may be very different than the bill you will see tomorrow if you mark it up because there are all these negotiations going on behind closed doors, very limited groups, that by the time you start working on this bill tomorrow, it may be a very, very different bill than what you think it is today.

So not only is it this bureaucracy, but it is something that is very much in flux, out of the public eye, and you may have to vote on that bill coming out of committee, which is going to be probably very different than what you're looking at right now, by what, maybe Friday?

Mr. SCALISE. I sit on the committee, and yet I'm not even privy to these discussions, these secretive backroom discussions that are going on. This is coming from the administration that said they would be the most transparent in history.

In fact, on this health care bill just 2 weeks ago, we had a hearing with the head of the Congressional Budget Office talking about the cost of the bill. This is a bill in its current form that adds over 240 billion more dollars to our national debt, and we're concerned about the cost. We had the head of the Congressional Budget Office come to our committee to talk about the cost.

Mr. AKIN. I need to reclaim my time again. You're going awfully fast for us.

The first thing you said was if you don't like government bureaucracy and you don't want a government bureaucrat between you and your doctor, then you probably don't like this flowchart. You want something a little simpler where it's you and your doctor making the health care decisions.

You also said if you're worried about fiscal responsibility, you're not going to like this bill, too. That's another group, because you're worried about the government spending. This thing here, even when they try to use every gimmick in the book, it's over a trillion dollars more spending. So if you're worried about that, you don't like it.

I would like to recognize my friend from California. You've been dealing with this chart, and if you could share it, because you've gotten into the details.

What are we trying to hide here?

Mr. DANIEL E. LUNGREN of California. I don't know.

I appreciate the gentleman's using my chart up here because we have tried to work this out with the majority. In the past on the Franking Commission, we have attempted to allow Members to be involved in vigorous and full debate but not put out what would be considered campaign material. And all of a sudden, the goalposts have been moved on us.

Now, this may not be of interest to the average citizen except for this fact: What we have presented is what we believe to be a reasonable interpretation of the bill as we know it now.

Now, I do know that there was mentioned just a moment ago by the gentleman from Michigan, before he left, that we're talking about ''the bill,'' and that can be a bit of a moving target. In fact, I just left my office and there was a group of reporters hanging around outside my office, not for me, but for a meeting, they said, of the Progressive Democrats. They used to be called liberals. They are now Progressives, who are concerned about what the Blue Dogs are asking for on the Democratic side, and so maybe there will be some changes from what we've seen.

But this is an accurate portrayal from our standpoint of the bureaucratic morass that will result from the grand outlines of the bill as articulated by the President and as presented by the Democratic leadership in the House of Representatives.

And so they objected to this diagram and basically censored it, as we said, because, first of all, they said we called it the House Democrat plan. First of all, they said it wasn't true, and now we have shown that it is a reasonable interpretation of the facts. Secondly, they said there wasn't enough attribution there, and we suggested that it very clearly states that this is developed by the Republicans. Then they said, well, wait a second. You say it's the Democratic health plan but not all Democrats support the health plan. So if they would give us the list of those Democrats they have not yet been able to corral to support it, we'd be happy to talk to those individuals.

Mr. AKIN. Reclaiming my time, you've used a couple of terms that I think some people might not be as familiar with. You talked about a thing called the Franking Commission.

Mr. DANIEL E. LUNGREN of California. Yes.

Mr. AKIN. The Franking Commission is a group of Republicans and Democrats that meet together, and when you're going to send a piece of mail to your district or do something using government money to do the printing and mailing, it's an agreement that what's going to be there is going to be at least reasonably accurate. It's not a political piece and you're not slamming, but you're trying to simply communicate some information.

Mr. DANIEL E. LUNGREN of California. Yes. We've done things in the past by limiting the number of references you can make to yourself. There are only so many times you can mention your name or say ''I,'' and that's so——

Mr. AKIN. Reclaiming my time, the idea is to have kind of a fair standard so people can communicate with their constituents. We think of it as the First Amendment, just speaking to your constituents.

Mr. DANIEL E. LUNGREN of California. Of course, I have only been here 15 years, but in my 15 years, spread over 30, I have not seen this happen before.

Mr. AKIN. Where something was censored.

Mr. DANIEL E. LUNGREN of California. Well, it's censored. And when you compare it with those things that we have approved on the Democratic side, we had the controversy over President Bush's recommendations to try to, as he saw it, save Social Security and make some recommendations for it. They very strongly criticized the President's package in terms that I would disagree with, but we on the Republican side on the Franking Commission did not say you cannot say that because we don't like the way you said it. When they talked about the prescription pharmacy section of Medicare, the new section that came in, we approved of news letters that went out on the Democratic side that criticized the President's plan and said it didn't do what was needed to do for seniors. They called it the Republican majority plan. And yet they object to our calling this the Democratic plan.

You know, I have said when I first came to Congress, there was something raging at that time called the cold war, and it just reminded me of something in the cold war. There is a word we don't see in the lexicon anymore. So I went and looked it up and tried to make sure people understand what it is. It's called ''samizdat,'' s-a-m-i-z-d-a-t. And samizdat is defined as a system in the USSR and countries within its orbit by which government-suppressed literature was clandestinely printed and distributed.

Now, what does that mean? That means those who were known as refuseniks at that time, those who were in disfavor, to say the least, with the government were not allowed to publish anything that could be handed out, whether it was charged for or not. So the freedom underground, if you will, went and had their own printing and they would clandestinely put these things out so that they could get their message of free speech.

□ 1845

So my suggestion is that maybe we re-title our particular—and call it American Samisdat. We're the freedom fighters here, trying to express what we believe to be a reasonably intelligent analysis of a bill that's presented to us, which is going to affect 18 percent of the economy of the United States, which is going to, if it is enacted, forever, at least for our lifetimes, cement the relationship you will have with your doctor and the relationship that government will have in that. And our argument has been that that chart precisely shows the interference of the government which will exist between you and your doctor with some 50-plus organizations, agencies, task forces, czars, bodies of different types.

Mr. AKIN. We've been joined, as you note this evening, by my good friend, Congressman BISHOP, and I'd like to recognize him and let you jump in here in just a minute.

Mr. DANIEL E. LUNGREN of California. But he has no charts.

Mr. AKIN. Well, but he maybe has a couple of ideas about your charts, gentleman. I yield.

Mr. BISHOP of Utah. This is one of the few times I am here without charts, and I feel totally naked on the floor. I apologize for that. But I also appreciate the chart that was here and any effort that you can get to maybe publicize that because it speaks to the problem that we have if, indeed, this kind of expansion of the government takes place.

That chart is the reason why the Federal code of our laws cover 35 volumes, one-sixth of which is about the Federal regulations and bureaucracy, but the Federal regulations is a 200-volume document, and why it has grown from John F. Kennedy's time of 15,000 words to 77,000 words; why Kennedy was able to appoint within 2 months about 300 officials that ran the bureaucracy.

For George W. Bush, it took him almost a year because he had to do 3,300 officials appointed, having been subjected to advice and consent from the Senate. We are expanding this thing enormously. And in this particular project, because my committee, unfortunately, spent 20 hours going through the organizational part, most of the questions that our side had of how this plan worked was, we will have to work that out. Somehow, the new commissioner will solve that problem.

Let me just give you one example, and you can play with this one. In this plan is supposedly a position of a new national ombudsman whose job is to meet with individuals to help them work through their health options. However, the law says that this ombudsman must speak in a linguistically appropriate manner. Now, my problem was, what is a linguistically appropriate manner? It's not defined anywhere in the pages that are in that bill. It's someone's poetic idea of being politically correct. But when you don't have definitions, it opens us up to lawsuits galore. And, once again if we, as Congress, don't take the time and the ability to solve these problems and answer these questions, some bureaucrat, in this case the commissioner, is going to be able to make more and more regulations. And that's why the bureaucracy is sometimes called the unelected faceless people in Washington because there is no interface between people and the bureaucracy.

Mr. AKIN. And, gentleman, just reclaiming my time, what you've just said to us is, again, when we take a look at why do you want to keep this thing secret, why would you want to censor it, why would you want to tell us we couldn't send a flow chart out, part of the reason is because when the American public sees things like that there are going to be people who get worried about it. They're going to vote ''no,'' particularly every single one of us that some day is going to get sick and we're going to want a doctor to help us, and I'm not sure that we really want to have somebody going in between in the government, some part of this organization, second guessing the doctor the way the insurance companies do too much in our own day.

So if you really like your doctor/patient relationship, then this thing is bad news. That's why they're wanting to censor it. Do you believe that's right, gentleman?

Mr. BISHOP of Utah. I believe it's so. But I will tell the gentleman from Missouri that at least when they are interfering with your doctor, they will do it in a linguistically appropriate way.

Mr. AKIN. A linguistically appropriate way.

Mr. BISHOP of Utah. That gives me confidence.

Mr. AKIN. In other words, if you're like I am, an old geezer at 62 years of age, and you need a new hip the way I do, they're going to say, we're putting you out to pasture; take a few pain pills. But they're going to say that in a really nice way, though, at least. So I hope it's linguistically appropriate, but my hip's still going to be sore anyway.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield for just one moment? I just wanted to make one reference. I talked about the Cold War a minute ago. It also reminds me what Ronald Reagan said when he was negotiating with the Soviet Union and they asked for trust. And his response was trust, but verify. And what we're here to do is to be the verifiers for the American people. We're being asked to trust the bureaucracy to deliver medical care without interference. We're here to verify whether that is or is not true. And to deny us the opportunity to provide, in a very easily understood way, the information that undergirds this tremendous bureaucratic morass is unworthy of this place.

We ought to be able to debate it vigorously, and the American people ought to expect that we are looking out for them, rather than for some formless bureaucracy that's going to take on dimensions that we can only imagine today.

Mr. AKIN. We've been joined this evening on the floor by a couple of very distinguished Congressmen, a couple of my very good friends, the gentleman from Texas and also the gentleman from Indiana. I'm going to recognize the gentleman from Texas who seems like he's got really something he's got to say. And I'll go right back over to my good friend, Congressman PENCE from Indiana, highly respected on the floor, for your perspective on this.

Mr. GOHMERT. I appreciate the gentleman yielding, because in the discussion about what's linguistically appropriate, and the discussion about how political, supposedly, it is, how politically inappropriate to have a chart that lists all the levels of bureaucracy that the new bill is going to propose and how they think it may be a bit too political to say that it's government-run health care.

Mr. AKIN. Just reclaiming, gentleman, what you just said, I think, is another censored phrase, government-run health care. We're not allowed to say that. And our constituents say, why don't you say something more? And they're telling us if we print ''government-run'' health care, then we can't, then we have to pay for the mailing out of our own pocket. Isn't that weird?

Mr. GOHMERT. That's what they're saying. But I just went and printed this off Speaker PELOSI's own Web site, and I apparently need help with what's linguistically appropriate. This is on the official Speaker's Web site under the title, ''Honest Leadership and Open Government.'' The first sentence is, the culture of corruption practiced under the Republican-controlled Congress was an affront to the idea of a representative democracy, and its consequences were devastating.

Now, I have a little trouble, and I'm glad I'm here with such bright minds, including our wonderful chairman of our conference. But how is it a little bit too political to use government resources to say the words government-run health care, but it is entirely appropriate for the Speaker of the House to say the culture of corruption practiced under the Republican-controlled Congress was an affront to the idea of representative democracy, and its consequences?

But that's not all. Led by the House Democrats on the other hand, and apparently this is not considered political, this statement, House Democrats have acted to make this Congress the most honest and open Congress in history. Well, besides being factually wrong, that's——

Mr. AKIN. But you've got to be up at 3:00 in the morning to hear what's going on in committee.

Mr. GOHMERT. Yeah. Let me just read another statement. With honest leadership and open government, America's leaders can, once again, focus on the needs of the American people. So that's as political, it seems to me, as could be.

Mr. AKIN. Reclaiming my time, you're talking about honest leadership and they're saying, as they take a look at this incredible flow chart, they're saying that if you've got a good relationship with your insurance company and your doctor and you like what you have, you can keep what you have. And yet listed in the bill is specific language that says you can't. That doesn't seem to me like they're following what the Web site says.

I'd like to recognize our conference chairman. Maybe you could get us out of this morass, gentleman, because we're a little confused between the politically appropriate language which seems to be okay for Democrats but not for Republicans to call this a Democrat health plan. But I yield to my good friend from Indiana.

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

Mr. PENCE. First, let me commend the gentleman from Missouri (Mr. AKIN) for his yeoman's work in bringing these important discussions to the floor of the House of Representatives. Judging from YouTube, it appears people in Missouri are pretty interested in the subject of health care reform. And not surprisingly, in the ''Show Me State'' there seems to be a fair amount of skepticism out there about it. I'd like to speak to this whole business of government takeover, but I won't take more than just a couple of minutes of the gentleman's time.

First, let me say emphatically to anyone that might be looking in, Mr. Speaker, House Republicans support health care reform. We've been calling for health savings accounts to be greatly expanded to small businesses around this country for years. We've been calling for association health plans that

would allow people to pool together resources around the country, the way Federal employees do to purchase private health insurance.

We've been talking about trying to end the age of defensive medicine by allowing for the adoption of medical malpractice reform in this country. All these kinds of changes, we believe, would reduce the cost of health insurance, reduce the cost of health care in this country in the long term. What the Democrat plan, even as it's being modified at this very hour, continues to include is a government-run insurance plan that would lead to a government takeover of our health care economy, paid for with nearly $1 trillion in tax increases.

Now, I saw the President of the United States today on the television giving a speech expressing, with a rather uncharacteristic passion, his frustration with two things, and I wanted to speak to those in the few minutes that I have. First, the President said no one wants to have a government takeover of health care. Well, I don't doubt the President doesn't want it to happen, but there's something about bureaucracy that when, it is unleashed in certain ways, it takes over areas of our economy. It's an unbroken truth of the history of governments around the world that unchecked, unlimited government expands.

And whatever the President's intention, the reality is that should this government create a government-run insurance option to so-called compete with the private sector, that government option would compete with the private sector the way an alligator competes with a duck. It would consume it. And most Americans know that. Now, the other thing the President had a problem with—

Mr. AKIN. Just reclaiming my time a moment, what you just said is mirrored—just a week or so ago we had about 1,100 pages of the bill. I started reading it and it said the commissioner shall, we go to another page, the commissioner shall, and we had page after page, the commissioner shall do this, the commissioner shall do that. It may not be his intention to have the government run it all.

He could have called it the czar. We had some discussion whether it's a commissioner or a czar or a commissar. We weren't sure what. But anyway it was one after the other pages. That's what the bill says. And just to your point. Sorry to interrupt. I yield back.

Mr. PENCE. Well, I thank the gentleman for yielding. But let me say, the other point the President expressed was that some of us, and some independent organizations were trying to scare the American people by suggesting that if the government introduces a government-run insurance option, that you'll lose your health insurance. But the Lewin Group, which has been praised by Republicans and Democrats over the years, actually estimated 114 million Americans would likely lose their health insurance if the Democrat health care plan and the administration's plan were actually to be adopted.

But why is that? Now, to be perfectly fair, the President did make the point today at the podium that nothing in this plan will make people give up their private insurance. And I want to grant that point, Mr. Speaker, for anyone that might be looking in. That's not really the point, though.

What the administration and some of our colleagues fail to understand is that as soon as Uncle Sam offers health insurance, a government health insurance for every American employee for free, there's almost no employer in America who's not going to sit their employees down during this worst recession in 25 years and say something like, look, I love you; we appreciate your being here, but we're trying to keep the lights on and the doors open at this business, so you know what? We're going to cancel the health insurance that we have through this company, and we're going to send you down to Uncle Sam to apply for it.

□ 1900

That's why the Lewin Group, which is an independent organization, and common sense should tell the American people, if the government introduces an insurance program to compete with the private sector, tens of millions of Americans will lose the health insurance they have.

So, whether it's the intention that we have a government takeover, the fact is, if we insist, as the Democrats in Congress and the administration are, on a government option, even with the tweaks they're putting around the edges, it will result in a government takeover, because tens of millions of Americans will be relegated to that new government program.

That's why I really believe that we have to oppose this program, that we have to scrap this government takeover with its $1 trillion tax increase and that we have to start over and come around to those bipartisan solutions that Republicans are prepared to work on today.

I yield.

Mr. AKIN. I really appreciate the gentleman's points that have been made here, explaining the fact that one of the people who is not going to like this is somebody who has an insurance policy that he likes, because when the government offers something for free, one can bet that what's going to happen is that the insurance policy is going to go away.

Now, it isn't as though the ideas that are being advocated in this bill are particularly new. They've been tried in other places. Here is one. Massachusetts tried. Basically, everybody has to have insurance, and the government is offering health care. What was the end result? I mean we don't have to reinvent the wheel. We see that what happened was, first of all, Massachusetts took a huge hit financially, and health care access is down because patients have to wait 70 days to see a doctor in Boston.

So, first of all, it is the typical red tape in government. You've got to wait in a line, but what's more, it costs a whole lot of money to wait in line because now your health care costs in Massachusetts are 133 percent more than what the average is. So it's not like we haven't tried this before. It has been tried; yet we're going to want to try and do the exact same thing.

It has been tried in other places. It was tried over here in Europe. We can take a look at that. What happens with cancer? I happen to be a cancer survivor. I'm not a wizard doctor; I'm not even a wizard economist, but I know a little bit about cancer because I survived it.

I see my good friend from California. If you'd like to jump in here, we'd be delighted to yield you time.

Mr. DANIEL E. LUNGREN of California. Yes.

I would like to just follow up on what Mr. PENCE said, which is, if you are concerned that there is the possibility that a public option will lead to a government takeover, you need look no further than at what happened with the student loan program.

The student loan program has a government option, but what is happening now with this Congress and with this President? We are eliminating the private option, and we're going totally to the public option, which now becomes a public monopoly.

Mr. AKIN. Can you get a private student loan now or is it that, basically, you can't get them anymore?

Mr. DANIEL E. LUNGREN of California. The way we are phasing them out, you will not be able to get those. They will be, basically, the Federal student loan programs.

Mr. AKIN. So it's like Henry Ford and his car. You can get any color you want as long as it's black.

So the only kind of student loan you're going to get is a government student loan because we've basically chased the private sector out.

Mr. DANIEL E. LUNGREN of California. Well, we do have a Member on the other side of the aisle, a distinguished Member on the other side of the aisle, who in a townhall meeting admitted that this is going to lead inevitably to a public takeover of health care, and he said, yes, that is a good thing.

Mr. AKIN. A lot of them are quite happy with the idea of socialized health care. They acknowledge that.

Mr. DANIEL E. LUNGREN of California. You can't use that word.

Mr. AKIN. I'm not allowed to say ''socialized''? Socialized. Socialized. Socialized.

Mr. DANIEL E. LUNGREN of California. You can't say it in print.

Mr. AKIN. Oh.

Mr. DANIEL E. LUNGREN of California. We're not allowed to say that.

We're not allowed to say it on our particular chart of the Democratic health plan. We've been told that that is not allowed if we're going to print it and send it out to our constituents.

The last thing I would just say is this: Look, I happen to be the son of a doctor. My dad was my hero growing up. I used to go on house calls with him. I'd make rounds with him. I thought I was going to be a doctor until, as I like to say, God sent me a strong message during my sophomore year at Notre Dame called ''organic chemistry.''

Mr. AKIN. Organic chemistry. As an engineer, I feel your pain, my friend.

Mr. DANIEL E. LUNGREN of California. But I never lost the sense of service that my dad had as a doctor. From my observation of the way he practiced medicine, he taught me that the doctor-patient relationship was paramount. I heard him many times on the phone, arguing on behalf of a patient with somebody who was employed by the insurance company. I heard him arguing with hospitals. I heard him arguing with nurses if he didn't think they were doing a great job. I heard him praise the nurses when they did a great job for his patients. I heard him praise the hospital.

His whole focus was on his patients. He was not only his patients' greatest diagnostician, and not only the greatest doctor they could have, but he was their greatest advocate. That's what I don't want to lose in this or in any other plan.

Mr. AKIN. I think you just put your heart right on what this debate is about.

Mr. DANIEL E. LUNGREN of California. I don't want the government to be my advocate. I want my doctor to be my advocate. I want my family to be my advocate. Listen to what the President said in that interview on television when asked about the 100-year-old woman.

Mr. AKIN. Go through that again.

Mr. DANIEL E. LUNGREN of California. The 100-year-old woman, who was an extraordinary person with great verve in her life, who also had tremendous health, needed a pacemaker. Her doctor thought she should have it because he knew her. He called a specialist who would actually do the implantation of the pacemaker, but he was skeptical. He said he wasn't going to do it on a 100-year-old lady.

He said, Just meet her. Examine her.

He examined her, and his position was changed. She received it at 100. She is now a very active 105-year-old.

It was presented to the President, and it was said, Mr. President, will my 100-year-old mother still be able to have a pacemaker?

The President gave a long, long convoluted answer. At the end, he said this: It may mean that, instead of some sort of surgical procedure, we will give your mother painkillers, pain pills.

Mr. AKIN. What we're really talking about—and this isn't politically correct. I guess I've never learned that very well. We're talking about government-rationed health care, aren't we?

Mr. DANIEL E. LUNGREN of California. Here is the deal. If you're concerned about cost, you can do it in one of two ways to limit cost: competition or rationing.

Now, competition has some premises involved in it. One of them is that we need greater transparency. There's no doubt about it. We need to know what it costs with certain doctors or charges. We need to know, when we go in the hospital, what the infection rates are. It's those sorts of things. Competition from doctors and competition from medical health care providers and from insurance companies will give us tremendous options so that we can make the decision, and that tends to keep costs down.

In a government system, when you have a monopoly, there is only one way you keep costs down. It is called rationing. If you don't believe it, look at England; look at Canada; look at France; look at all of those other systems.

Mr. AKIN. Reclaiming my time, gentlemen, that's what I'd like to do because I have a chart here.

I would also like to recognize my good friend from Texas, Congressman GOHMERT, who is noted, actually, for being, in spite of his humble demeanor, really an expert when it comes to knowing how to phrase things in a tactful and direct kind of way.

Mr. GOHMERT. Well, I appreciate the gentleman for yielding.

I'm still perplexed. Since Republicans are not allowed to comment on anything that's a governmental resource, and so I am wondering, if we phrase in any mail-out or on any Web site, if we say that the Democrat-controlled Congress is taking the Nation in the wrong direction and that too many Americans are paying a heavy price for those wrong choices, including paying record costs for health care, I'm wondering if that would be something that would also be found objectionable for its being a little too political.

I'll yield to find out what you think.

Mr. AKIN. It seems like the basic principle should be to respect your other colleagues and, at the same time, to also tell the truth. It sounded like what you said would be my idea of what the truth is, but then I may not pass the political correctness test.

Let's take a look at this.

Mr. GOHMERT. If the gentleman would yield, let me just say that that's on the Speaker's Web site in the reverse, meaning the Republicans took the Nation in the wrong direction, and too many Americans are paying a heavy price.

So, anyway, it sounds like, if Republicans said that about Democrats, as my friend says, it's probably true, and it would be politically inappropriate under the Franking determination, but it's okay if the Speaker does it, apparently.

Mr. AKIN. I'd like to take a look, though.

You were just talking about there being different ways to control costs. One of them is, when the government does it, they ration health care or they make various decisions to keep costs down. Here is the result of a comparison. These are 5-year survival rates for all different kinds of cancers.

This is the European Union average. They all have socialized medicine. I guess they do call it ''socialized medicine.'' Here is the U.S. system, which at least is, largely, more of a free enterprise system. It's the beige.

Now, if you'll take a look at these different kinds of cancers, one of the things that you'll notice is that the survival rates are a whole lot better in the U.S. than they are with these socialized systems, and I don't think that that's a coincidence. It's just a fact that free enterprise works a lot better than socialism does.

The particular cancer I had here was called ''prostate cancer.'' Let me see if I can see where it is. Here is ''prostate'' down here. You've got the survival rate in the United States at 90-something percent. Back over in Europe, it's only at 78 percent. I'll tell you, if I were to have prostate cancer, which I had, I'd want to be treated in America. That's what I'd want.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield for just a moment.

Mr. AKIN. We know that, for the British, for the European Union—in England—this is a 50 percent number.

Now, if I were sick, you could talk to me all you want about the government's giving me free health care, but it wouldn't do me any good if I were dead. This shows you what happens when we go to a government-run system.

I would be happy to yield to my friend.

Mr. DANIEL E. LUNGREN of California. This points out vividly the difference between a system where competition exists and where a monopoly by government exists. Where a monopoly by government exists, inevitably to attempt to try and control costs, you have to impose rationing. That's why you have these variations of survival rates among cancer patients, because they are not getting the care in those other countries that we get here, and they're not getting the care in a timely fashion.

Mr. AKIN. Timeliness. You know, in cancer, they always say, if you can diagnose it early, your probability of success goes up. As for that timely thing, you know, I think the socialized medical system says, We'll give you a free C-section, ma'am, as long as you're willing to wait 12 months.

Mr. DANIEL E. LUNGREN of California. Well, I happen to be someone who had a hip replacement about a year and a half ago. Under the rules that prevail in at least one of those countries, I would not have been able

to have it because I'm not 65 years of age. Had I needed it when I was 80, I would have been too old to get it. They have defined by age the category of people who can receive that operation. It's not just a limitation on time, on how long it's going to be.

The point is, if you look at our younger generation today and look at how active they are in certain sports, with repetitive actions affecting their joints, we are going to have younger people being in need of the replacement of joints—of knees and hips. That runs precisely contrary to what you see as being available in these other countries. That's why this debate is so important.

If, in fact, as we believe, the plan presented by the majority would inevitably lead to government-run health care, these are the consequences. That's why we ought to be able to debate that. They can argue with us and say, No, it's not government-run. We can argue how we believe it is, but at least we ought to be allowed to have that debate so that people can see what the consequences of our actions here in the House are on them and on their personal lives.

Mr. AKIN. I yield.

Mr. GOHMERT. Thank you for yielding.

I wanted to have time to ask my friend from California: Do I sense there is a concern that, if someone with the Federal bureaucracy had seen you move athletically before the hip replacement, they would have said giving you a hip would have been wasted?

Mr. DANIEL E. LUNGREN of California. Only a Texas Aggie would ask that question, and I will take that as a rhetorical question that needs no response.

Mr. AKIN. Well, gentlemen, I would call your attention to another colleague of ours, Congressman ROGERS, from Michigan.

He told the story the other day of when he was, I believe, 18 or 19 years old and had bladder cancer. Now, his doctor didn't know that, of course. He had some blood in the urine. He went to his doctor, who had known him and who had known his family for some period of time. The statistical probability of his having bladder cancer at that age was almost nothing. Yet, because he had that relationship with his doctor, she didn't let it go.

It was just like your father wouldn't, my friend.

She didn't let that thing go. There was something about her intuitive sense of knowing there was a problem there. They checked it out, and found out that he had bladder cancer. He's a Congressman now. This was some 40 years ago.

□ 1915

But you know when you have these statistics saying it just fits in this category, he held up a calculator and he said, There's nothing in this government calculator that knows anything about health care. All it is is some government agent running statistics.

There was a guy from Canada that I just read about, and he was younger than you are. He was in his fifties, and the Canadians said, You can't have a hip replacement. You're too old. So of course he used the option. He came to America and got it—the free enterprise system.

My good friend from Texas.

Mr. GOHMERT. And I do appreciate you yielding. And obviously I was being facetious and perhaps rhetorical for my friend from California because the point is no government bureaucrat should ever be able to look at any American and say, I don't think you ought to get this treatment. I don't think you ought to get this surgery. That is the last thing you want is the government intervening.

And what has really gotten outrageous and got my attention is when we got the latest numbers we could for 2007 and the total amount of Medicare and Medicaid tax dollars spent and you divide it by the number of households in America, it's about $9,200, over $9,200 per household. You look at what President Obama is proposing. CBO says it will be between $1 trillion and $2 trillion, $1 trillion to $1.6 trillion? You divide just a very conservative amount of that by 117 million households that are estimated right now in America by Census, and you have $10,000 more per household for every household in America they have to come up with to pay for this plan on top of the $9,200 in Federal tax dollars they are paying now.

Mr. AKIN. Let's do this again. Every single household in America is going to get hit with an additional $10,000 per household to make this transition to a socialized medical system that produces this kind of result? Is that what you're saying?

Mr. GOHMERT. That's on top of the $9,200 average per household in America right now. Around $19,000 per household.

Mr. AKIN. Here's something that I think is kind of amazing. Take a look at this statement. This was an amendment that was offered to the Democrats' health plan: Nothing in this section shall be construed to allow any Federal employee or political appointee to dictate how a medical provider practices medicine.

Now, I would say I think that's something that a lot of my constituents would say I don't want some bureaucrat telling some doctor what he can and can't do to take care of me. Take a look at the vote when this was done in committee. This was an amendment that was proposed by Dr. GINGREY. He spent his life going to medical school and taking care of patients. And look at the votes. Republicans, 23 votes saying we don't want to put a bureaucrat between you and your doctor, and zero voted against this, of the Republicans. Of the Democrats, only one Democrat voted for this amendment and 32 of them voted against that.

Now, I think a lot of people on Main Street America think why can't we just get along as Republicans and Democrats and just solve problems. But this is a very fundamental difference between the two parties, isn't it? This is what we've been talking about. Do we really want a Federal bureaucrat? And what they just voted to say was we think that in order to control costs, you're going to have to let some government bureaucrat make those decisions and tell a doctor and a patient that they can't get the care.

Mr. DANIEL E. LUNGREN of California. This makes about as much sense as the Vice President's recent statement that in order to avoid bankruptcy, we have to spend more Federal money.

Mr. AKIN. That's not intuitively obvious, in order to avoid bankruptcy, we've gotta spent more money.

Mr. DANIEL E. LUNGREN of California. And the President is basically telling us, by entering the Federal Government in the largest way in the history of the United States into medical care, it is going to cost less and provide more accessibility.

And I think that is—well, what I'm finding from my town hall meetings, my teletown halls, my discussion with people back home, they're not buying it because they know it just doesn't seem to make sense. Just as the gentleman has pointed out on this amendment, if in fact they're not going to put anything between you and your doctor, why would they reject an amendment that says just that?

Mr. AKIN. With only one exception of one Democrat, a straight party-line vote saying we want to put Federal employees between your doctor and you as a patient.

This is pretty serious stuff. This is very serious stuff to me. Because as I said, when I came to Congress, I had a poor health care plan. I came to Congress and found out there were some Navy doctors in this building, and those Navy doctors gave me a physical. I felt bulletproof and everything at 52. I found out that I was bulletproof and doing great except one little detail: I had cancer. And the fact that they discovered that and were able to get treatment without some bureaucrat taking that away from me, that's why I'm alive today.

I can understand why people are going to be very, very cautious entering some government-run plan that produces results for people, something like what the European Union is doing.

I yield to my good friend from Texas.

Mr. GOHMERT. Our time has expired, and I appreciate being a part of this. This is too serious to let the bureaucrats control people's lives.

Mr. AKIN. I thank you very much. I thank my many good friends who've joined us here for this discussion. I think many understand it's a very serious issue. It's better to go slow and get it right and don't mess it up as we have some of the things that have been passed at 3 o'clock in the morning.

WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 60 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to continue to ask the question, where are the jobs?

Well, I can tell you where they're not. They're not in my district in southern Ohio because I just got an announcement on Monday night that really shocked me and made my blood boil. I found out that the Department of Energy was going to strip away thousands of jobs in my district.

Now, I just want to give you a little background. Ohio is one of those States that has high unemployment. We're the seventh highest in the Nation. But when you look at my district, what you see is I've got really high unemployment in my district. In fact, two of my counties, Pike and Adams, have over 15 percent unemployment. Scioto County has almost 13 percent unemployment. Much higher than the national average, even higher than our State average of 11.2 percent. So we really need jobs. We need them badly.

And what has occurred to me is that I think there must be a disconnect with the administration and the President. Let me go back and explain what's going on.

I have a facility in my district in Pike County, the county that has 15½ percent unemployment, called the American Centrifuge Plant, and this represents a very early use of commercial—use of new technology that would significantly reduce emissions of air pollutants and greenhouse gasses.

The United States Enrichment Corporation, called USEC, is deploying American Centrifuge technology to provide the dependable, long-term, U.S.-owned and developed nuclear fuel production capability needed to support the country's nuclear power plants, nuclear submarines, and a robust nuclear deterrent.

Mr. Speaker, we have dozens of nuclear power plants in this country that all require nuclear fuel. And we have a Navy who, as I speak, is sailing in every ocean across the globe. And we have weapons of mass destruction that will become a useless deterrent without fresh tritium.

Without the American Centrifuge Plant, in 5 years' time, we will have no ability in the United States to enrich uranium to keep our lights on, our ships at sea, or a deterrent potential.

In 5 years, we will be forced to purchase uranium from foreign suppliers as we do with most of our oil. I don't want to depend on foreigners for this kind of product.

The American Centrifuge Plant holds great promise. Unfortunately, in order to meet this promise, USEC needed a loan guarantee from the Federal Government. Now, I want to repeat that. It needed a loan guarantee from the Federal Government. You see, USEC has already invested $1.5 billion and has offered another billion dollars of corporate support. It did this with the expectation that the Department of Energy would make available a $2 billion loan guarantee needed to finance the full-scale deployment of the American Centrifuge Plants.

Now, I want to refer to this chart here. Why were they so confident in that? Well, you see on September 2, 2008, when President Obama was running for election, he wrote a letter to our Governor, Ted Strickland. This is the full letter so you can see it. I'm not taking it out of context.

He said, Under my administration, energy programs that promote safe and environmentally sound technologies and are domestically produced, such as the enrichment facility in Ohio, will have my full support. I will work with the Department of Energy to help make loan guarantees available for this and other advanced energy programs that reduce carbon emissions and break the tie to high-cost and foreign-energy sources.

This is what this letter said.

So you understand that USEC was very, very confident that they were going to get that loan guarantee. But instead, on Monday night, the Department of Energy really pulled the rug out from all of us. I got a phone call asking me to call the White House, and I learned Monday night that the Department of Energy was going to withdraw its promise and they were actually asking USEC to withdraw its application and to try it again in 18 months.

I was actually told on the phone that if they did that, then the Department of Energy would give them $45 million, $30 million, and another $15 million if they would rescind this. And that kind of shocked me.

The next day it also shocked the folks at USEC because, you see, they had this letter that the President had given to our Governor, Ted Strickland, that said those loan guarantees would be given.

Mr. Speaker, the American Centrifuge Plant currently supports more than 5,700 jobs and will help create 2,300 more within a year of commencement of the loan-guarantee funding. That's 2,300 additional jobs to my district.

Now, because the Department of Energy has contradicted a promise that our President made in September of last year to our Governor and to those men and women in this area of the State, those jobs are in jeopardy. And I was on the phone with one of my constituents earlier today. Pink slips are being given out at the USEC plant.

The Department of Energy has told the media the reasons for their denial were threefold: the cost subsidy estimate, a new requirement for another $300 million of capital, and the questions of technology.

Well, the first question offered by the DOE is a little laughable. It turns out that the government isn't really backing these loans. Instead, the Department of Energy is charging a risk-of-failure fee to each of the folks that agrees to back the loans. These fees are pulled together to eliminate any risk to the taxpayers that actually have been given a loan guarantee.

They determined that the fee for this loan would be $800 million on a $2 billion loan. So USEC is supposed to come up with $800 million on a $2 billion loan. I don't know about you, but in my neck of the woods, we call that like loan sharking.

The second reason for denying the guarantee is a new need to set aside an additional 300 million for contingencies. Well, I can think where you and I see that that is headed. After the risk premium is paid, apparently USEC still has to come up with more money to make the Department of Energy feel more comfortable about giving these loans.

□ 1930

But the last question, I think, is the most surprising, because the last reason is one where they say they have got technical questions, and this is the one that is the most absurd of all, because, quite frankly, this technology is out there. France is using it, England is using it. Would it surprise you to know, Mr. Speaker, that Iran is using it?

But what I found most disturbing is that the Department of Energy hired a technology expert, as required by law, and they went through the technology and wrote a long report, and in fact the guy ran back to give it to the Department of Energy on Tuesday. That was the day after the Department of Energy made their decision. They made that decision on Monday night. They made it without any regard for the report they were relying on for this very important project.

It is not just a project, Mr. Speaker, that continues to help the folks in my district. And it is important to me, because, Mr. Speaker, this is my district, and these are my folks and these are my friends. I have become friends with these people.

This is the part of my community that doesn't have a lot of job opportunities, and they welcomed this job opportunity. They embraced it. And I believe that the President believes in this project, as he stated on September 2, 2008. But I think there must be some sort of disconnect with the Department of Energy.

There is a chart here, and I would like to go through the chart a little bit again so we can clearly understand what is going on.

The issue: credit subsidy cost estimated by the DOE to be $800 million. Well, let me be a little clearer. The estimate was never provided in writing. The methods of calculation were never disclosed or explained. An $800 million subsidy cost is not reasonable. I think it is outrageous, given USEC's fully

collateralized $1 billion parent guarantee, standard credit, and, yes, yield exposures of $24 million to $74 million based on credit ratings of C to BB-minus and assets recoveries of only 20 to 30 percent of the cost.

The DOE calculation clearly ignores the value of $1.5 billion invested by USEC to date and another billion of non-project collateral offered by USEC, consisting primarily of natural and enriched uranium inventories.

The second issue, an additional need for $300 million of additional capital. USEC offered a legally binding capital commitment, which DOE agreed met statutory and regulatory requirements.

USEC's fully collateralized $1 billion parent guarantee designed to permit loan to commerce while USEC raised additional equity while fully protecting the taxpayers. USEC's financial adviser stated that with the loan guarantee, $100 million to $150 million of capital could be raised in the public market. USEC has commenced discussions with strategic suppliers to obtain vendor financing for the balance.

And the final, the technical readiness of American Centrifuge Technology. The DOE LGPO concluded that ACT was not ready to move to commercial scale operations prior to receiving the independent engineer's written assessment. The independent engineer had only been working for 12 days when DOE acted. DOE was scheduled to review the classified independent engineer report on July 28, and the DOE representative traveled to Tennessee to do so, unaware of the LGPO's decision the night before.

American Centrifuge is based on technology which DOE initially developed in the 1970s and the 1980s and subsequently operated it for 10 years. USEC-approved centrifuges have been operating in the Lead Cascade for over 225,000 hours. The DOE has acknowledged that USEC met the milestone under the 2002 agreement between DOE and USEC, which requires obtaining satisfactory reliability and performance data from Lead Cascade operations, the last requirement to be met besides obtaining financing prior to commencing commercial plant construction and operations.

Mr. Speaker, I don't understand what is going on here, I don't think that this body understands what is going on here, and I am not even sure that the President even understands what is going on here with the Department of Energy.

But I am very confused. More than that, I am very outraged because I believe that we have to have energy independence, but we also have to have security for this Nation. Energy independence depends upon a variety of sources of energy, including nuclear power, but you have to have the stuff to make that nuclear power. In 5 years, we will no longer be the people that are producing the stuff that it takes to make that nuclear power. That is why this project is so important, not just for the 2,000 jobs that will be lost.

Mr. SPACE, can you join me here today? One of the other folks that is affected is my very good friend from a district right across from me, ZACK SPACE.

ZACK, I just laid out what has gone on with the Department of Energy. I have laid out the fact that our President promised that the Department of Energy would give out these loans to Governor Strickland on September 2. I have laid out what I think is a disconnect between the Department of Energy and our President, because I just truly believe the President wants to make good on this promise. I have laid out the impact it has to your community and my community in southern Ohio and also to our security across the Nation.

So, whatever you would like to add, I welcome you to the discussion.

Mr. SPACE. I thank the gentlelady. I appreciate the work that you have done in bringing attention to this very important issue. There are a couple of things I would like to speak about, and I will be as brief as I can.

Mrs. SCHMIDT. Take as much time as you want, ZACK. It is fine with me.

Mr. SPACE. First of all, what is happening in Appalachian Ohio, in fact what is happening in Appalachia America, is the same thing that John Kennedy drew attention to in the early 1960s when he visited Appalachia. He drew attention to poverty and hopelessness, suffering, a lack of infrastructure, a lack of opportunity. I think it is very important not just for you and I to understand this, we do, JEAN, but for our President and the Department of Energy and the American public in general to understand that many of those same needs that Kennedy identified so many years ago still exist.

This Piketon facility has the potential to help breathe new life into a large region in southern Ohio, a region where unemployment rates now are typically on a county-by-county basis reaching 16 percent; a region in which poverty rates in some of those counties exceed 30 percent; a region where families, working families, men and women, have to take their children to soup kitchens to eat. This is happening in America; this is happening in southern Ohio.

The second thing I would like to point out is this is our future. We have heard so much about the promise afforded by energy-related jobs, the new economic sector in our economy that I believe holds so much potential, so much potential to put people back to work, to provide good wages, to allow families to buy homes, send their kids to college and save for retirement. This project falls squarely within the promise afforded by that new economic sector.

I would like to take this brief moment that you have so graciously allotted me, JEAN, to urge the Department of Energy to reconsider, to look at this situation as one which can provide hope to many Ohioans, many Americans who don't have it right now.

I commend you again for bringing attention to this matter, to advocating for it with the passion that you have, and I pledge to work with you moving forward as we do everything we can to bring vibrancy back to the economy of southern Ohio.

Mrs. SCHMIDT. May I ask you to engage in a little conversation on this. I think it is very important, Mr. Speaker, to note that Mr. SPACE and I, while our districts do connect, we are from different sides of the aisle, and yet I find oftentimes there is as much agreement on both sides of the aisle, far from the rancorous debate that occurs on some of the issues that folks might hear.

This is an issue that is very important to not just me, but to ZACK SPACE as well, because we understand Appalachia. We understand the needs of this community and how when you lose a job in this community, it is so hard to get it back. It is not like other communities, where when you lose one, in time it can be replaced. When you lose one in this part of the world, it doesn't get replaced.

Do you agree, ZACK?

Mr. SPACE. JEAN, I see it and you see it and we all see it far too often where we allow ourselves to be separated by a political divide. This aisle that runs between us now is nothing but an empty space, and when we talk about things like this project, we are not talking about what is right for Democrats or what is right for Republicans, what is right for those who are liberal versus those who are conservative. We are talking about what is right for America.

I think not just in this case, but in all cases we should explore every opportunity to bridge that divide, to forget about the party politics, whether it is energy or health care or job opportunities, like we have here. All of us need to strive much harder to overcome those ideological differences, find common ground and work for what is right for this country.

Mrs. SCHMIDT. Mr. SPACE, I have been reminded that we are on the House floor, and my apologies that I didn't refer to you as Congressman SPACE or Mr. SPACE and talked to you as we do off the floor in a friendly tone. So now I will refer to you as Mr. SPACE.

But you and I agree on this. I think, Mr. SPACE, you will also agree about the importance of this not just to our community, but to the Nation. We need to have uranium enrichment in order to develop nuclear energy in order to keep our lights on in this country. And I don't think you and I want to rely on getting this product from a foreign nation.

We rely too much on getting our oil from foreign governments. We don't want to rely on foreign governments for this, which is so important to keeping our lights on, to our Navy, to our ability to keep the bad guys out of the United States.

Mr. SPACE. I thank the gentlelady for bringing up such an important subject, and that subject is one of national security. There are a lot of different components that go into what makes us strong as a country. Certainly the size of our Army, the money and the resources we allocate to military defense are very important. But perhaps there is no greater ingredient to our national security than developing right here at home within our borders energy independence. We have as a nation waited far too long to aggressively address this issue.

I think many of the painful votes, if you will, many of the divisive issues, many of the arguments that we have on this floor of this great House are happening right now because we have as a nation waited far too long to address the issue of energy independence.

The gentlelady and I are both old enough to remember what it was like in this country back in the early 1970s when OPEC first formed its embargo on oil. It was like a slap in the face to our country. Suddenly, and without warning, we found ourselves almost wholly dependent upon not just other nations, but other nations who meant to do us harm, for something so fundamentally important as our energy needs.

As we look back today to 35 years ago, almost 40 years ago, we think of this: What if, what if we would have done the right thing and aggressively pursued energy independence? What if we would have approached that issue like this Nation has with other issues in the past, the Manhattan Project, the Apollo project, where failure was not an option? What if we had done that?

I will tell you, we would not be having the debate, we would not be having the struggles, we would not be having the problems with our foreign relations. We would not be having nearly the problems we are experiencing today with our economy if we had done the right thing.

Now is the time to act. This project fits perfectly with what should be all of our priorities, and that is an aim toward energy independence.

□ 1945

Mrs. SCHMIDT. I totally agree with my good colleague and friend from Ohio. The time is now. I remember the seventies. I remember standing in line—because I was the even day, and my friends were the odd day—to get gasoline. We can't do that again. You and I have seen the price of gasoline last summer be twice the price that it is this summer. Thank heavens it's lower, but we can't afford the opportunity for them to put the squeeze on us and on our economy. While this isn't going to remove our dependence on foreign oil, this project is going to remove our dependence on using oil for things that we don't need to use it for.

That's why we need a total comprehensive energy policy. It has to include nuclear, and we have to have not just the technology but the stuff that it takes to make that technology happen. All I can say is, this project, the American Centrifuge Plant, is producing the uranium enrichment that we need; and if we don't allow this project to go forward, in 5 years you and I are going to be standing here screaming at the well because we're going to be beholden to France or England or another country for this uranium enrichment that we so sorely need right now.

I am so thankful that you are joining me in this fight. I don't know what we can do besides calling the Department of Energy, maybe asking our friends to call the Department of Energy, maybe asking our friends to call the President. I don't know what else you and I can do. But I'm going to fight until we can fight no more, and then I am going to continue on.

Mr. SPACE. In yielding back to the gentlelady, my friend and colleague from Ohio, I would submit that we have taken one very important step in moving in that direction, and that is by ridding ourselves of our partisan bonds and working together in a common cause. You and I both know that oftentimes we do not agree on the issues, but this is one where we can find common ground. Let this be not just the beginning of a rectification of a wrong in southern Ohio with respect to USEC plants, but the beginning of a new relationship, a new day in American politics where Democrats and Republicans work together in solving not Democratic problems, not Republican problems, but American problems.

Mrs. SCHMIDT. I thank the gentleman. I just want to say, Mr. Speaker, that I believe we can work across the aisle. I have seen us work across the aisle on other issues. This one is a very, very important issue. I am not going to belabor this point too much longer, but only to say that if we don't act now and ask the Department of Energy to reverse its course, this isn't just something that's going to put a further blight on my district, my good colleague Mr. SPACE's district and the rest of Appalachia and Ohio, but this is going to really put a cloud across our economic security, our national security and our Nation. The Department of Energy can go back. They can look at the technical data, which they didn't do when they issued their decision. They can go back and look at what they're asking USEC to cough up and recognize what USEC has already put on the table. They can go back and understand that the President made this promise to our Governor on September 2. They can go back, and they can do the right thing because it's not just the right thing for my community, Mr. SPACE's community or Ohio. It's not just the right thing because our President made a pledge to our Governor. It's the right thing for our Nation.

I yield back the balance of my time.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JULY 16, 2009, AT PAGE H8269

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. KAGEN. Mr. Speaker, I ask unanimous consent to withdraw my cosponsorship of H. Res. 648.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

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.

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. TITUS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today and July 30.

Mr. FORBES, for 5 minutes, July 30.

Mr. OLSON, for 5 minutes, today and July 30.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. BILBRAY, for 5 minutes, today.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

ADJOURNMENT

Mrs. SCHMIDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, July 30, 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:

2868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2008-0458; FRL-8423-8] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dichlormid; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2005-0477; FRL-8422-2] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0710; FRL-8425-7] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2871. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2008-0556; FRL-8420-6] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2872. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — N,N,N′,N″,-Tetrakis-(2-Hydroxypropyl) Ethylenediamine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0130; FRL-8429-3] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2873. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium monoalkyl and dialkyl (C6-C16) phenoxybenzenedisulfonates and related acids; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0665; FRL-8421-7] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2874. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium N-oleoyl-N-methyl taurine; Exemption from the Reqirement of a Tolerance [EPA-HQ-OPP-2008-0725; FRL-8426-8] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2875. A letter from the Secretary, Department of Defense, transmitting authorization of 7 officers to wear the authorized insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

2876. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2877. A letter from the Asst. Secy. for Communications & Information, Department of Commerce, transmitting the Department's final rule — State Broadband Data and Development Grant Program (RIN: 0660-ZA29) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implemention Plans; Rhode Island; Correction of Effective Date Under Congressional Review Act [EPA-R01-OAR-2008-0796; A-1-FRL-8930-2] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revision to General Air Quality Rules and the Mass Emissions Cap and Trade Program [EPA-R06-OAR-2007-0905; FRL-8931-1] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Minor Amendments to the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8422-7] [EPA-HQ-OPPT-2005-0049; FRL-8422-7] (RIN: 2070-AJ48) received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, Alabama: Birmingham 1997 8-Hour Ozone Contingency Measures [EPA-R04-OAR-2008-0592(a); FRL-8937-2] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Qualtiy Implemntation Plans; Iowa; Update to Materials Incorporated by Reference [FRL-8933-5] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2883. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nebraska; Update to Materials Incorporated by Referance [FRL-8933-4] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-0296; FRL-8936-6] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2885. A letter from the Chairman, Nuclear Regulatory Commission, transmitting proposed legislation authorizing appropriations for FY 2010, pursuant to 42 U.S.C. 2017; to the Committee on Energy and Commerce.

2886. A letter from the Assistant Attorney General, Legislative Affairs, Department of Justice, transmitting the Department's report on the use of the Category Rating System during calendar year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

2887. A letter from the Director, Regulatory Management Division, Enviromental Protection Agency, transmitting the Agengy's final rule — Acquisition Regulation: Guidance on Technical Direction [EPA-HQ-OARM-2007-1115; FRL-8935-6] (RIN: 2030-AA96) received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2888. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Elections and Contribution Allocations — received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2889. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's Draft Strategic Plan for 2009 through 2014; to the Committee on Oversight and Government Reform.

2890. A letter from the Chair, Election Assistance Commission, transmitting the Commission's final rule — Reorganization of National Voter Registration Act Regulations [Notice 2009 — 17] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

2891. A letter from the Chair, Vice Chair and Commissioner, Election Assistance Commission, transmitting the Commission's reports entitled, ''The Election Data Collection Grant Program Evaluation'' and ''The Impact of the National Voter Registration Act (NVRA)'', pursuant to Omnibus Appropriation Act for FY 2008 HAVA Section 802; to the Committee on House Administration.

2892. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 0809121213-9221-02] (RIN: 0648-AX96) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2893. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area [Docket No.: 080521698-9067-02] (RIN: 0648-XQ01) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2894. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 2 [Docket No.: 090129076-9926-02] (RIN: 0648-AX56) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2895. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2009 [Docket No.: 090211163-9795-02] (RIN: 0648-AX69) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2896. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final

rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Pacific Whiting Primary Fishery for the Mothership Sector [Docket No.: 090428799-9802-01] (RIN: 0648-XP82) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2897. A letter from the Deputy Assistant Administrator of Operations, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 16 [Docket No. 0808041045-9796-02] (RIN: 0648-AW64) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2898. A letter from the Deputy Assistant Administrator of Operations, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications Modification [Docket No. 090421699-91029-02] (RIN: 0648-XO74) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2899. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Deepwater Grouper Commercial Fishery [Docket No.: 040205043-4043-01] (RIN: 0648-XP56) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2900. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area II Scallop Access Area to Scallop Vessels [Docket No.: 071130780-8013-02] (RIN: 0648-XQ05) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2901. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Greenland Turbot, Arrowtooth Flounder, and Sablefish by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XP97) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2902. A letter from the Major General, AUS (Retired), Deputy Executive Director, Reserve Officers Association, transmitting the Association's Report of Audit for the year ending 31 March 2009, pursuant to Section 16, P.O. 90-595; to the Committee on the Judiciary.

2903. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Summer 2009 Fireworks, Coastal Massachusetts [Docket No.: USCG-2009-0422] (RIN: 1625-AA08, 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2904. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY [Docket No.: USCG-2009-0110] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2905. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Southside Summer Fireworks St. Clair River, Port Huron, MI [Docket No.: USCG-2009-0478] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2906. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sigma Gamma Fireworks, Lake St. Clair, Grosse Pointe Farms, MI [Docket No.: USCG-2009-0477] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2907. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Clemente Island Northwest Harbor August and September Traninig; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0522] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2908. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York [Docket No.: USCG-2009-0045] (RIN: 1625-AA01) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2909. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 460.0 to 470.5, Cincinnati, OH [Docket No.: USCG-2009-0310] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2910. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Summer Nights Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0268] (RIN: 1625-AA00) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2911. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Twin Falls, ID [Docket No.: FAA-2009-0253; Airspace Docket No.: 09-ANM-2] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2912. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Montrose, CO [Docket No.: FAA-2009-0042; Airspace Docket No. 09-ANM-1] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Port Clinton, OH [Docket No.: FAA-2009-0188; Airspace Docket No. 09-AGL-5] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Devine, TX [Docket No.: FAA-2009-0089; Airspace Docket No. 09-ASW-4] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska [Docket No.: FAA-2008-0926; Airspace Docket No. 08-AAL-24] (RIN No.: 2120-AA66) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal and Modification of VOR Federal Airways; Alaska [Docket No.: FAA-2008-0940; Airspace Docket No. 08-AAL-25] (RIN No.: 2120-AA66) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Reduction of Fuel Tank Flammability in Transport Category Airplanes [Docket No.: FAA-2005-22997; Amendment Nos. 26-3, 121-345, 125-57, and 129-47], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2918. 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.: 30675; Amdt. No. 2239], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300, and A340-200 and -300 Series Airplanes [Docket No. FAA-2009-0137; Directorate Identifier 2008-NM-201-AD; Amendment 39-15967; AD 2009-15-04] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model BD-700-1A10 and BD-700-1A11 Airplanes [Docket No.: FAA-2009-0138; Directorate Identifier 2008-NM-216-AD; Amendment 39-15966; AD 2009-15-03] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No.: FAA-2008-0832; Directorate Identifier 2008-NM-067-AD; Amendment 39-15965; AD 2009-15-02] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2009-0638; Directorate Identifier 2009-CE-038-AD; Amendment 39-15968; AD 2009-15-05] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2923. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate previously held by Raytheon Aircraft Company) Model G36 Airplanes [Docket No.: FAA-2009-0633; Directorate Identifier 2009-CE-037-AD; Amendment

39-15964; AD 2009-15-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2924. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12, PC-12/45, PC-12/47, and PC-12/47E Airplanes [Docket No.: FAA-2009-0437; Directorate Identifier 2009-CE-018-AD; Amendment 39-15963; AD 2009-14-13] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2925. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives, Turbomeca S.A. ARRIUS 2F Turboshaft Engines [Docket No.: FAA-2009-0330; Directorate Identifier 2008-NE-43-AD; Amendment 39-15961; AD 2009-14-11] (RIN 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2926. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2009-0518; Directorate Identifier 2009-SW-22-AD; Amendment 39-15940; AD 2009-13-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2927. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Models PW2037, PW2037(M), and PW2040 Turbofan Engines [Docket No.: FAA-2009-0417: Directorate Identifier 2009-NE-13-AD; Amendment 39-15955; AD 2009-14-05] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2928. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS-PZL ''Warszawa-Okecie'' S.A. Model PZL-104 WILGA 80 Airplanes [Docket No.: FAA-2009-0446; Directorate Identifier 2009-CE-024-AD; Amendment 39-15960; AD 2009-14-10] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2929. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2009-0044; Directorate Identifier 2008-NM-132-AD; Amendment 39-15953; AD 2009-14-03] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2930. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200,-200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1116; Directorate Identifier 2007-NM-231-AD; Amendment 39-15954; AD 2009-14-04] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2931. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000EX Airplanes [Docket No. FAA-2009-0380; Directorate Identifier 2008-NM-153-AD; Amendment 39-15959; AD 2009-14-09] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2932. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No.: FAA-2008-0933; Directorate Identifier 2007-NM-261-AD; Amendment 39-15956; AD 2009-14-06] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2933. A letter from the Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting the Transportation Statistics Annual Report 2008, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

2934. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B Turbofan Engines [Docket No.: FAA-2009-0046; Directorate Identifier 2008-NE-05-AD; Amendment 39-15962; AD 2009-14-12] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2935. A letter from the Program Analyst, Department of transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes [Docket No.: FAA-2009-0263; Directorate Identifier 2008-NM-137-AD; Amendment 39-15957; AD 2009-14-07] (RIN: 2120-AA64) Recieved July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2936. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's third quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

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. WAXMAN: Committee on Energy and Commerce. H.R. 2749. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes; with an amendment (Rept. 111–234). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 691. Resolution providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes (Rept. 111–235). 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. DAVIS of Alabama (for himself and Mr. BOUSTANY):

H.R. 3370. A bill to permit qualified withdrawals from a capital construction fund account for the maintenance or repair of United States-flag vessels provided that the maintenance or repair is performed within the United States; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, 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. COSTELLO (for himself, Mr. OBERSTAR, Mr. MICA, Mr. PETRI, Mr. CARNAHAN, Mr. COBLE, Mr. MCMAHON, Mr. DUNCAN, Mr. DEFAZIO, Mr. EHLERS, Mr. FILNER, Mrs. CAPITO, Mr. HOLDEN, Mr. GERLACH, Mr. CAPUANO, Mr. DENT, Mr. LIPINSKI, Mrs. SCHMIDT, Mr. HALL of New York, Mr. COHEN, Mr. ALTMIRE, Mr. SCHAUER, Ms. SLAUGHTER, Mr. LEE of New York, Mr. HIGGINS, Mr. HOLT, Mr. PASCRELL, Ms. NORTON, and Ms. HIRONO):

H.R. 3371. A bill to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of Georgia:

H.R. 3372. A bill to establish Medicare performance-based quality measures, to establish an affirmative defense in medical malpractice actions based on compliance with best practices guidelines, and to provide grants to States for administrative health care tribunals; 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. CHAFFETZ:

H.R. 3373. A bill to provide for a study relating to the feasibility of using postal employees as census enumerators; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Washington (for himself and Mrs. MCMORRIS RODGERS):

H.R. 3374. A bill to provide for a demonstration project relating to the impact of health information technology on chronic disease management under the Medicare and Medicaid programs; 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. KRATOVIL (for himself and Mr. HARPER):

H.R. 3375. A bill to amend title 18, United States Code, to increase penalties for certain fraud offenses committed to facilitate terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself and Mr. CUMMINGS):

H.R. 3376. A bill to amend title 46, United States Code, to ensure the traditional right of self-defense of United States mariners against acts of piracy, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 3377. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM (for himself, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. BOSWELL, and Mr. KING of Iowa):

H.R. 3378. A bill to authorize the Secretary of the Interior to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. OBERSTAR, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. RAHALL, Mr. BOSWELL, Mr. CAPUANO, Mr. LIPINSKI, Mr. CUMMINGS, Mr. DICKS, Mr. HINCHEY, Ms. HIRONO, Mr. THOMPSON of California, Mr. KILDEE, Mr. HARE, Mr. BAIRD, Ms. KAPTUR, Mr. MOLLOHAN, Mr. STARK, Mr. WU, Mr. COSTELLO, Mr. PASCRELL, Mr. FILNER, Mr. PERRIELLO, Mr. BISHOP of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. LARSON of Connecticut, and Mr. OLVER):

H.R. 3379. A bill to amend the Internal Revenue Code of 1986 to impose a tax on transactions in oil futures and options and to deposit the revenues from the tax into the Highway Trust Fund; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself and Mr. ROYCE):

H.R. 3380. A bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CASTLE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. MITCHELL, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SPEIER, Mr. STARK, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. LANCE):

H.R. 3381. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Georgia (for himself, Mr. DEAL of Georgia, Mr. SHULER, Mr. LATTA, Mr. CLAY, Mr. BARROW, Mr. BISHOP of Georgia, and Mr. PASCRELL):

H.R. 3382. A bill to amend the Internal Revenue Code of 1986 to encourage individuals to purchase building products and home furnishings, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Ms. GRANGER):

H.R. 3383. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 3384. A bill to remove the testing provisions in the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. BARTON of Texas (for himself, Mr. UPTON, Mr. TERRY, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. BRADY of Texas, Mr. BURGESS, Mr. WHITFIELD, Mr. POE of Texas, Mrs. MYRICK, Mrs. BONO MACK, Mr. GALLEGLY, and Mr. PITTS):

H.R. 3385. A bill to authorize the use of amounts in the Nuclear Waste Fund to promote recycling of spent nuclear fuel, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. LATHAM, Mr. KING of Iowa, Mr. BRALEY of Iowa, and Mr. LOEBSACK):

H.R. 3386. A bill to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CASTLE (for himself and Mr. LYNCH):

H.R. 3387. A bill to reiterate that the Secretary of the Treasury is required to submit a report on terrorism financing in accordance with the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Financial Services, and in addition to the Committee on Intelligence (Permanent Select), 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. FORBES:

H.R. 3388. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 3389. A bill to amend title 37, United States Code, to ensure that members of the Armed Forces stationed outside the United States during 2009 can take full advantage of the credits available for first-time home buyers, to provide for the waiver of recapture of the credit for members who are restationed, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 3390. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on distributions from certain retirement plans during periods of high unemployment; to the Committee on Ways and Means.

By Ms. JENKINS (for herself, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mr. TIAHRT):

H.R. 3391. A bill to allow for the continuation of critical access hospital designation for certain hospitals in geographic areas experiencing population growth; to the Committee on Ways and Means.

By Ms. KOSMAS (for herself, Ms. TITUS, Mr. KLEIN of Florida, Mr. MICA, Mr. GRAYSON, Ms. CORRINE BROWN of Florida, and Mr. POSEY):

H.R. 3392. A bill to prohibit any department or agency of the Federal Government from establishing a travel or conference policy that takes into account the perception of a location as a resort or vacation destination in determining the location for an event; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. BILBRAY):

H.R. 3393. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Oversight and Government Reform.

By Mr. PAUL (for himself and Mr. BURTON of Indiana):

H.R. 3394. A bill to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases involving dietary supplements and dietary ingredients; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself and Mr. BURTON of Indiana):

H.R. 3395. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3396. A bill to amend title 5, United States Code, to prohibit agencies from enforcing rules that result in a specified economic impact until the requirements of those rules are enacted into law by an Act of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. SABLAN:

H.R. 3397. A bill to establish a program that enables college-bound residents of the Northern Mariana Islands to have greater choices among institutions of higher education, and for other purposes; to the Committee on Education and Labor.

By Mr. TIERNEY:

H.R. 3398. A bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes; to the Committee on Education and Labor.

By Mr. KLEIN of Florida:

H. Con. Res. 171. Concurrent resolution authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National

Weekend of Remembrance; to the Committee on Transportation and Infrastructure.

By Mr. POSEY (for himself, Mr. DANIEL E. LUNGREN of California, Mr. SHADEGG, Mr. HERGER, Mr. MCCAUL, Mr. PITTS, Mr. BARTLETT, Mr. PUTNAM, Mr. BRADY of Texas, Mr. LINDER, Mr. BURTON of Indiana, Mr. BURGESS, Mr. SOUDER, Mr. LUCAS, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. GRAVES, Mr. LATHAM, Mr. SULLIVAN, Mr. INGLIS, Mr. BILBRAY, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. KLINE of Minnesota, Mr. LUETKEMEYER, Mr. LATTA, Mr. MCHENRY, Mr. BROUN of Georgia, Ms. FALLIN, Mr. SCALISE, Mr. FLEMING, and Mrs. LUMMIS):

H. Res. 689. A resolution amending the Rules of the House of Representatives to ensure that Members, Delegates, and the Resident Commissioner have a reasonable amount of time to read legislation that will be voted upon, and for other purposes; to the Committee on Rules.

By Mr. BOEHNER:

H. Res. 690. A resolution raising a question of the privileges of the House.

By Mr. ARCURI (for himself, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mrs. LOWEY, and Mr. CARDOZA):

H. Res. 692. A resolution supporting the goals and ideals of Tay-Sachs Awareness Month; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania (for himself, Mr. GERLACH, Ms. SCHWARTZ, Mr. ANDREWS, Mr. SESTAK, Mr. LOBIONDO, Mr. DENT, Mr. HOLDEN, Mr. FATTAH, Mr. CASTLE, and Mr. PATRICK J. MURPHY of Pennsylvania):

H. Res. 693. A resolution honoring the life and accomplishments of Jim Johnson and extending the condolences of the House of Representatives to his family on the occasion of his death; to the Committee on Oversight and Government Reform.

By Mr. FORBES:

H. Res. 694. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on a rule or order that dispenses with the first reading or considers a measure as read; to the Committee on Rules.

By Mr. RODRIGUEZ:

H. Res. 695. A resolution supporting an international park between Big Bend National Park in the United States and the protected areas of the Coahuila and Chihuahua States across the border in Mexico; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

139. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 62 MEMORIALIZING CONGRESS TO PROVIDE FOR WAIVERS FROM REQUIREMENTS ATTACHED TO STIMULUS FUNDING THAT WOULD HAMPER THE STATE'S EFFORTS TO MEET ITS CONSTITUTIONAL OBLIGATION TO BALANCE FUTURE BUDGETS; to the Committee on Appropriations.

140. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to HOUSE RESOLUTION No. 275 memorializing the Congress of the United States to designate the Honor and Remember Flag as a national emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty; to the Committee on Armed Services.

141. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to HOUSE RESOLUTION No. 311 urging the Congress of the United States to pass and the President to sign legislation instituting a national maximum interest rate for credit cards; to the Committee on Financial Services.

142. Also, a memorial of the House of Representatives of the State of Texas, relative to HOUSE RESOLUTION No. 798 expressing opposition to any federal legislation that would create an optional federal charter for insurers; to the Committee on Financial Services.

143. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 244 urging the United States Congress to designate the month of March, 2010 as National Essential Tremor Awareness Month for the purpose of raising awareness about the nation's number one neurological condition, affecting approximately 10 million Americans; to the Committee on Energy and Commerce.

144. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 11 declaring the week of April 19 to 25, 2009, inclusive, as ''National Multicultural Cancer Awareness Week'', and encouraging promotion of policies and programs that seek to reduce cancer disparities and as a result, improve cancer prevention, detection, treatment, and followup care for all Californians; to the Committee on Energy and Commerce.

145. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 137 memorializing the Congress of the United States to enact legislation preventing unintended consequences of the Medicaid Federal Medical Assistance Percentage calculation on Louisiana's and other states' Medicaid programs caused by the substantial and temporary infusion of the public and private funds into state economics following major disasters such as hurricanes, floods and earthquakes; to the Committee on Energy and Commerce.

146. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 2 urging the United States government to urge the Mexican government to extend the deadline for submitting a claim; and urging the United States government to urge the Mexican government to accept a variety of documents, including, but not limited to, affidavits or copies of original documents, to prove that a bracero or his or her heir or beneficiary has a valid claim; to the Committee on Foreign Affairs.

147. Also, a memorial of the Legislature of the State of Arizona, relative to HOUSE CONCURRENT MEMORIAL 2009 URGING THE UNITED STATES CONGRESS TO OPPOSE ANY FEDERAL LEGISLATION THAT IMPINGES ON THE INDIVIDUAL RIGHT TO KEEP AND BEAR ARMS; to the Committee on the Judiciary.

148. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No.: 106 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RECTIFY THE IMBALANCE IN FEDERAL TRANSPORTATION FUNDING THAT HAS CONSISTENTLY PUT MICHIGAN NEAR THE BOTTOM OF THE 50 STATES IN THE PERCENTAGE OF FEDERAL TRANSPORTATION TAX DOLLARS RETURNED TO THIS STATE EACH YEAR; to the Committee on Transportation and Infrastructure.

149. Also, a memorial of the House of Representatives of the State of Louisiana, relative to HOUSE RESOLUTION NO. 120 memorializing the United States Congress to establish an additional classification for airports; to the Committee on Transportation and Infrastructure.

150. Also, a memorial of the House of Representatives of the State of Louisiana, relative to HOUSE CONCURRENT RESOLUTION NO. 173 memorializing the United States Congress to take such actions as are necessary to restore the Medicare-Medicaid crossover payments nationally so all Medicare beneficiaries in Louisiana and nationwide have equal access to Medicare benefits; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ALEXANDER.
H.R. 122: Mr. MASSA.
H.R. 197: Mr. GRAVES.
H.R. 211: Mr. NADLER of New York, Mr. MARSHALL, and Mr. JOHNSON of Illinois.
H.R. 528: Mr. HIGGINS.
H.R. 574: Mr. SOUDER.
H.R. 707: Mr. SCOTT of Georgia, Mr. MAFFEI, Mr. AUSTRIA, and Mrs. MCMORRIS RODGERS.
H.R. 959: Mr. NYE.
H.R. 1020: Mr. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. BLUMENAUER.
H.R. 1103: Mrs. BLACKBURN and Mr. PAYNE.
H.R. 1134: Mr. MOORE of Kansas.
H.R. 1137: Mr. FILNER.
H.R. 1147: Mr. BISHOP of New York.
H.R. 1173: Mr. BERRY.
H.R. 1182: Mr. COSTA, Mr. BRADY of Pennsylvania, Mr. NYE, Mr. HOLDEN, and Ms. KAPTUR.
H.R. 1255: Mrs. MCMORRIS RODGERS.
H.R. 1283: Mr. ADLER of New Jersey.
H.R. 1327: Mr. MILLER of North Carolina, Mr. AUSTRIA, Mr. YOUNG of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GINGREY of Georgia, Mr. RYAN of Ohio, Mr. DAVIS of Alabama, Ms. SLAUGHTER, Mr. TURNER, Mr. MICA, and Mr. GALLEGLY.
H.R. 1346: Mr. FARR.
H.R. 1362: Mr. BISHOP of New York.
H.R. 1402: Mr. MARCHANT and Mr. WU.
H.R. 1431: Mr. WAMP.
H.R. 1466: Mr. HOLT.
H.R. 1485: Mr. GEORGE MILLER of California.
H.R. 1548: Mr. TEAGUE.
H.R. 1670: Mrs. MCMORRIS RODGERS.
H.R. 1691: Mr. GUTHRIE.
H.R. 1710: Mr. MORAN of Kansas.
H.R. 1826: Mr. MCGOVERN, Mr. COSTELLO, and Mr. LEWIS of Georgia.
H.R. 1831: Ms. KILROY, Mrs. MCMORRIS RODGERS, Mr. LOEBSACK, Mr. SIRES, Mr. WAMP, Mr. PETERS, Mr. LANCE, and Mr. GUTIERREZ.
H.R. 1881: Mr. PETERS, Ms. SCHAKOWSKY, and Mr. FRANK of Massachusetts.
H.R. 1969: Mr. CONNOLLY of Virginia.
H.R. 1970: Mr. TERRY.
H.R. 1974: Mr. MASSA.
H.R. 2026: Mr. SOUDER.
H.R. 2030: Mr. COHEN and Mr. CONNOLLY of Virginia.
H.R. 2058: Mr. MCCARTHY of California.
H.R. 2125: Mr. CARNEY and Mr. NADLER of New York.
H.R. 2139: Ms. SLAUGHTER, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. PERRIELLO, and Mr. SCHOCK.
H.R. 2149: Mr. MASSA.
H.R. 2214: Mr. HONDA.
H.R. 2222: Mr. JACKSON of Illinois.
H.R. 2296: Mr. NUNES, Mr. MICA, Mr. GRAVES, and Mr. DEAL of Georgia.
H.R. 2304: Mr. KLINE of Minnesota.

H.R. 2329: Mr. HINOJOSA.
H.R. 2413: Mr. TIAHRT and Mr. BISHOP of New York.
H.R. 2414: Mr. KAGEN.
H.R. 2452: Mr. SMITH of Washington.
H.R. 2460: Mr. TIERNEY and Mr. HASTINGS of Florida.
H.R. 2478: Mr. MCCOTTER and Mr. SCHOCK.
H.R. 2480: Mr. TIERNEY.
H.R. 2578: Mr. JACKSON of Illinois.
H.R. 2699: Mr. BOREN.
H.R. 2819: Ms. WOOLSEY.
H.R. 2852: Ms. SCHAKOWSKY.
H.R. 2866: Mr. MCCOTTER.
H.R. 2882: Mr. MEEKS of New York.
H.R. 2891: Mr. STUPAK.
H.R. 2894: Mr. HOLDEN.
H.R. 2935: Ms. ROS-LEHTINEN, Mr. MITCHELL, Ms. LINDA T. SÁNCHEZ of California, Mr. CROWLEY, and Ms. JACKSON-LEE of Texas.
H.R. 2941: Mr. HOLT and Mr. GRIFFITH.
H.R. 2964: Mr. LATTA.
H.R. 3017: Mr. LARSON of Connecticut.
H.R. 3042: Mr. PETERS.
H.R. 3093: Ms. NORTON.
H.R. 3147: Mr. CLEAVER.
H.R. 3167: Mr. MCCLINTOCK.
H.R. 3218: Mr. MCCAUL.
H.R. 3257: Ms. BORDALLO.
H.R. 3266: Mr. CLAY, Mr. HALL of New York, Mr. YOUNG of Florida, Mr. FILNER, and Mr. MCNERNEY.
H.R. 3308: Mr. ROGERS of Michigan, Mr. MARCHANT, and Mr. WAMP.
H.R. 3309: Mr. PAUL.
H.R. 3350: Mrs. BACHMANN and Mr. MARIO DIAZ-BALART of Florida.
H.J. Res. 1: Mr. BRIGHT.
H.J. Res. 41: Mr. DUNCAN.
H.J. Res. 42: Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. BILBRAY, and Ms. GRANGER.
H.J. Res. 47: Mr. WAMP and Mr. DOYLE.
H. Con. Res. 59: Mr. FORBES.
H. Con. Res. 74: Ms. SCHWARTZ and Mr. FRANK of Massachusetts.
H. Con. Res. 94: Mr. STARK and Mr. HOLT.
H. Con. Res. 158: Mr. BISHOP of New York and Mrs. MCMORRIS RODGERS.
H. Con. Res. 167: Mr. POSEY.
H. Con. Res. 169: Mr. ADERHOLT, Mr. LATTA, Mr. GALLEGLY, and Mr. CHAFFETZ.
H. Res. 6: Mr. KRATOVIL and Mr. DOYLE.
H. Res. 90: Mr. WAMP.
H. Res. 111: Ms. WOOLSEY, Mr. GOODLATTE, Mr. RUPPERSBERGER, Mr. COURTNEY, and Mr. SALAZAR.
H. Res. 376: Mr. PAYNE, Mr. MCKEON, Mr. ROE of Tennessee, and Mr. SHULER.
H. Res. 494: Mr. FILNER, Mr. COHEN, and Mr. MARSHALL.
H. Res. 558: Mr. KENNEDY and Mr. HOLT.
H. Res. 605: Mr. MARKEY of Massachusetts, Mr. SOUDER, and Mr. SMITH of Texas.
H. Res. 619: Mr. MICA.
H. Res. 630: Mr. LEWIS of Georgia.
H. Res. 659: Mr. AL GREEN of Texas and Mr. MEEKS of New York.
H. Res. 686: Mr. WEINER, Mr. HARE, Ms. WATSON, Ms. CLARKE, Ms. BERKLEY, Mr. FALEOMAVAEGA, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Mr. GRIFFITH, Mr. WELCH, Ms. BALDWIN, Mr. RAHALL, Mr. HOLT, Ms. ROS-LEHTINEN, Mr. WALZ, Mr. DOYLE, Mr. HOEKSTRA, Mr. ABERCROMBIE, Mr. CLEAVER, and Ms. BORDALLO.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

62. The SPEAKER presented a petition of City of Miami Commission, FL, relative to Resolution: R-09-0283 URGING PRESIDENT OBAMA TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN; which was referred to the Committee on the Judiciary.