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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. BLUMENAUER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 30, 2009.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord God Almighty, You lead Your people, guide them, and help them in their every need. You respond to their faith in many ways. You may use anyone or anything to come to the aid of Your people.

At times You bring government or charitable organizations to assist Your people. At other times, family members or neighbors help as they are able. At other times, You empower a person from within with greater imagination or intuition, with more education, or the ability to change direction. Sometimes all anyone can do is to pray.

So today we pray for all those who are overwhelmed by personal or social difficulties. We pray for those drowning in debt, those threatened by firestorms or foreclosure on their homes, by illness, by depression, unemployment or lack of faith. Be faithful, Lord, to Your people, even when they are unfaithful and help those most in need. 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. JACKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JACKSON of Illinois led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

THERE IS NOTHING MORE IMPORTANT THAN HEALTH CARE

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

Mr. COHEN. Mr. Speaker, Daniel Webster reminds us on a daily basis in a plaque, a stone engraved above the Speaker's rostrum, that in our time here in Congress we're supposed to do something that's worth being remembered, something valuable. Forty-four years ago today Medicare was signed into law. That Congress did something worthwhile. The Congress that produced Medicaid did something worthwhile. Both those Congresses were vilified, and people said both of those programs were socialism.

Well, they were wrong; they were American. They were caring programs that have helped with people in sickness and getting them healthy in an affordable manner. This Congress can do something worthy of being remembered by passing national health care and taking care of people and extending Medicare and Medicaid to another group of Americans and making sure that we're no longer the only civilized industrialized country in the world that doesn't have health care for all of its citizens.

It's time that we act and we do what Daniel Webster charges us to, and that's to do something worthy of being remembered. Nothing is more important than health care.

PUT VIETNAM BACK ON THE CPC LIST NOW

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

Mr. CAO. Mr. Speaker, how much longer must we tolerate Vietnam's outrageous and continuous violations of its people's religious freedom and human rights? Just over a week ago, the Vietnamese government assaulted, arrested and imprisoned dozens of Catholics in the Diocese of Vinh for erecting a temporary place of worship on Tam Toa Parish Church that was destroyed during the Vietnam War. If this is not sufficiently egregious and reprehensible to draw our attention and condemnation, I do not know what is. However, the sad reality is that this is just one of the many audacious and concerning violations perpetrated by the Vietnamese government since it was removed from the list of Countries of Particular Concern in 2006.

Arrests of religious leaders and political activists, intimidation of worshippers, and collusion in labor trafficking have become a common practice by the Vietnamese government. We cannot continue to tolerate unjust, inhumane and illegal practices. Vietnam must be put back on the CPC list, and I urge the State Department to do so expediently.

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H.R. 3326

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

Mr. NYE. Mr. Speaker, I rise today in support of our troops and our military families and in support of a provision in the manager's amendment to the Defense appropriations bill which will help our military families.

Mr. Speaker, injured military personnel and veterans, including many who live in my district, often have to travel far from home to receive specialized medical treatment, taking them away from their families during a difficult time. The Fisher House Foundation is a public-private partnership which provides housing to allow military family members to be close to their loved ones during hospitalizations or medical treatment. Each year the Fisher House program serves about 10,000 families at no charge, enabling them to focus on their husbands and wives, parents, sons and daughters.

This amendment includes a provision which I offered to give more support to the Fisher House Foundation to provide housing to more military families. Mr. Speaker, the troops I worked with in Iraq and Afghanistan were willing to put their lives on the line for our country, and we should do everything in our power to ease the burden on our wounded warriors and their families. I hope my colleagues will join me in supporting this valuable program and in supporting our military families.

IN THEIR OWN WORDS

(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, here are a few thoughts on the Democrat health tax bill by Democrats:

''This bill . . . does not strike the balance between preserving what works in our current system and fixing what does not work.''

Another: ''To try to pay for health care reform on the backs of small businesses, I can't support that.''

Finally: ''The (House) bill being presented, with a poorly defined public option, is a Trojan horse leading to government-controlled health care, and it is not in the best interests of the public.''

These are the words and concerns of some of our Democrat colleagues. The Democrat plan raises taxes and mandates on small businesses, killing jobs. It creates a government takeover of health care that will knock millions of Americans, including senior citizens on Medicare, off their current plans.

There is a better way to help Americans afford health care, and it starts with empowering the people, not Big Government.

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

JUST DON'T GET SICK

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

Ms. SHEA-PORTER. Mr. Speaker, here's the problems Americans are facing today: no money, no insurance, get sick, disaster; preexisting condition, no insurance, get sick, disaster; laid off, no insurance, get sick, disaster; employer drops coverage, no insurance, get sick, disaster.

This is what the Democrats are trying to fix. This is what the public option and the exchange will fix. It allows people who like their insurance to keep it, and it will cover those who do not have insurance. The Republican health plan very simply is: just don't get sick.

HEALTH CARE REFORM

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

Ms. McCOLLUM. Mr. Speaker, reforming our Nation's health care system is an urgent national priority. Ensuring high-quality, affordable, access to health care for all Americans is our task here in Congress. Yet, opponents of reform are working to kill the bill and to do nothing about exploiting health care costs other than help insurance companies profit.

Democrats are working for real reform that empowers patients and their doctors to make the right choices for you. Democrats want health insurance for all Americans with a focus on saving and in investing and prevention for our children. Democrats want to make prescription drugs affordable and guarantee that preexisting conditions will be treated and not denied by insurance company bean counters. Democrats want a system that ensures all patients will receive evidence-based, quality care that's the standard.

My State of Minnesota has proven that high-quality, low-cost health care is a possibility here in the United States, and it should be the standard for all Americans. The time for action is now. We need to pass real health care reform.

YOU'RE JUST TOO OLD

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

Mr. POE of Texas. Mr. Speaker, when government runs health care, senior citizens sometimes are refused treatment because of their age. In Sweden, an 83-year-old woman was refused medical surgery by the government-run hospital. They said she was just too old for treatment. Marianne Skogh had pain and numbness in her legs for 5 years. She waited more than a year trying to get approval for back surgery to cure the problem. She was rejected by the government. Without the operation, she would be living in incredible turmoil. She said, ''What kind of life is that?''

Despite her long wait, Marianne was told her ailment was treatable but she was just too old for surgery. The government-run hospital said since she had previous heart surgery, they were denying her the back surgery. They told her just to take some pain pills. When the pain pills didn't help, the government still wouldn't let her have the surgery. Marianne ended up paying for the operation herself with some private funds and funds she received from friends. She's now pain-free.

Government-run health care lets bureaucrats decide who receives rationed care and who doesn't, who lives and who just dies. And that's just the way it is.

AMERICA NEEDS QUALITY AFFORDABLE HEALTH CARE

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

Ms. KAPTUR. Mr. Speaker, America faces a vital decision to improve health care for all, both its quality and affordability. But follow the money. Ask yourself, Who's making the big bucks off the current arrangement? Aren't you tired of all those expensive medicine ads on TV? If you weren't sick before you watch them you're sick afterwards.

Pharmaceutical companies are the third most profitable industry in our country. They don't even manufacture most of those medicines here anymore. They outsourced them long ago. And their CEOs grab millions of dollars a year in salaries and bonuses from our middle class that's struggling more each year just to pay for insurance. And the insurance companies? They're raking in your health insurance dollars too. They don't deliver an ounce of care, but they've become the ninth most profitable industry in our country. Go to any state capital. Who owns the highest buildings in those towns? Insurance companies. That says it all. America needs quality, affordable health care, not insurance and pharmaceutical kingdoms.

□ 1015

LISTEN TO THE SENIORS

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

Mr. BURTON of Indiana. Mr. Speaker, I have a lot of friends on the Democrat side of the aisle, and we, as Republicans, really care about your future, so I'd like for you to know that one of the largest voting blocs in the country is that of the senior citizens. When they read this and find out about it—and we are going to make sure they do—they're going to really hold you accountable.

So, when you go home, listen to your seniors because they're going to know what's in this bill, and I don't want you guys to lose. I really don't.

DOING NOTHING IS NOT AN OPTION

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

Ms. CHU. Mr. Speaker, not in six decades have we been this close to achieving the most crucial task of reforming our health care system. Let me be clear: we would be derelict in our duty to the American people if we let this opportunity go to waste.

Now, our colleagues on the other side of the aisle claim that this legislation amounts to the government takeover of health care and that Americans will be stripped of their choices of doctors and plans, but the reality is that everybody in this country will lose if they don't have health care reform.

People like Mary Smith, a 45-year-old with diabetes who just lost her job, she will no longer have to worry about whether she can get insurance again. Certainly, in my district, everybody will benefit, the 155,000 who lack health care coverage but, also, the majority of my constituents who are insured. They will have stability, security and peace of mind in having health care that they can count on no matter what happens. You will always have options for coverage even if you change or lose your job. You will never be denied coverage if you get sick.

Doing nothing is not an option.

BETTER ALTERNATIVE FOR HEALTH CARE REFORM

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

Mr. FLEMING. Mr. Speaker, as a doctor, one of the main reasons I came to Congress was to push for health care reform, that is, commonsense reform, not nonsense reform as proposed by our Democrat colleagues. That's why I'm proud to be an original cosponsor of the Empowering Patients First Act, a Republican bill for reform.

This bill contains all of the essential elements of good health care reform, including expanding private insurance to all Americans who want it, removing preexisting illnesses, improving portability, subsidies to the working poor, access to excellent primary and specialty care and, of course, instituting lawsuit reform. All of this is accomplished without a government takeover, without gutting Medicare, without long lines or bureaucrats interfering in the sacred doctor-patient relationship; and it is budget neutral.

It is obvious that private insurance, no matter who pays for it, is the gold standard. As we return to our districts and debate this important issue, I believe we will find that Americans truly want private insurance options, not the government takeover of health care with the Soviet-style central planning of our economy.

THE RECOVERY ACT IS CREATING JOBS

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

Mr. SCHRADER. Mr. Speaker, I've come to the floor this week to dispel the assertion by Republican colleagues that the Recovery Act is not creating jobs. It's simply not accurate. I would like to talk to you about the first four construction transportation projects under way in my district.

Oregon 22, one of the few roads that connects the Willamette Valley to the Oregon coast, is getting two overlay construction projects, employing 44 and 80 workers respectively. These projects make sure that freight and tourists can keep our economy going.

Twenty workers are being put to work replacing the concrete barriers on Interstate 5, a major valley thoroughfare. This makes our highways safe. There are 120 workers who are being put to work paving and rebuilding sections of Highway 101, the only north-south road that connects the small Oregon coastal communities.

Mr. Speaker, those are 261 jobs under way in my district alone at this early stage of the recovery, and there are more in the works.

BRING FISCAL DISCIPLINE BACK TO WASHINGTON

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

Ms. FOXX. Mr. Speaker, in December 2007, our economy slipped into a recession, and since then, the recession has only gotten worse. The American people are hurting.

President Obama and Democrats in Congress promised that their stimulus plan would bring ''immediate'' relief. Unfortunately for the American people, the results are rolling in. Two million American jobs have been lost since the stimulus was signed into law. More than 400,000 jobs were lost in the month of June alone.

Just when you thought it was clear that we can't spend, borrow and tax our way to a growing economy, Democrats propose a government takeover of health care that will lead to higher taxes, to more government spending, and to even further job losses.

The American people deserve a real plan for real recovery, not another excuse to increase spending, to raise taxes, and to grow government. The Republican economic recovery plan brings fiscal discipline back to Washington, and it puts money back into the hands of the American people.

JOBS AND STIMULUS

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

Mrs. MALONEY. Mr. Speaker, President Obama inherited a labor market in free fall. When President Bush left office in January, job losses peaked as employers slashed a stunning 741,000 jobs.

Congress worked quickly with the new administration to restore financial stability and to pass a recovery package that is beginning to take hold. The pace of job losses has eased from its decline at the end of the Bush administration. Last week, Federal Reserve Chairman Ben Bernanke testified that the unemployment rate would be higher right now without the legislation Congress enacted.

By restoring financial stability and by implementing stimulus measures and a responsible budget, we will make the investments necessary to lay the foundation for economic recovery that will put Americans back to work now and that will create the jobs of the future.

HEALTH CARE

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

Mr. REICHERT. Mr. Speaker, when the House Ways and Means Committee recently considered the health care overhaul proposal, I supported an amendment that said if our constituents must join the government-run public plan, so should Members of Congress. Unfortunately, the Democrats rejected this amendment.

Mr. Speaker, I ask today: If the government-run plan is great enough for the American people, why isn't it good enough for the Members of Congress?

Americans deserve the freedom to choose their health care. This plan doesn't give them that choice. It will force Americans into a plan that supporters of the bill simply don't want.

We need to work together to protect and to strengthen the health care of every American, not take away choice and drive up costs. I urge my colleagues to reject this bill, to work together on a plan that will lower costs, while maintaining the freedoms of Americans to choose their health care.

And that is just some straight shooting from the sheriff.

IT IS TIME TO ENACT REAL HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, it is time to speak a little truth to power, to the powerful special interests and to the insurance companies that are willing to deep-six health care reform for millions of Americans by spreading misinformation and by scaring people. All the while, these big insurance companies raise deductibles, premiums, and copays. They drop people with preexisting conditions. They

limit coverage, and they reap billions in excessive salaries, profits, and bonuses.

Look at the facts: United Health earned $2.9 billion last year. WellPoint reported profits of $2.5 billion. For CEO pay, United Health Group's Stephen Hemsley made $3.2 million. WellPoint's Angela Braly made $9.8 million. It doesn't stop there. Former United Health Group's CEO, Bill McGuire, left his job in 2006 and still took home $1.1 billion. That's a lot of zeros.

Who are we kidding, Mr. Speaker? This is all about money—campaign contributions, CEO salaries, millions in advertising to kill reform, and billions in profits. That's what's at stake here.

It's time to stop this nonsense and enact real reform that includes a public insurance option based on Medicare rates and with a network of providers to lower costs and to provide quality care.

THE SEVEN DIRTY WORDS WE CAN'T USE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this year, we lost a comedian of some note named George Carlin. One of the marks of his career was when he challenged the FCC with the seven dirty words. We're now engaged in a debate on health care, and we've been told that there are a number of phrases that we can't use because we're attempting to speak truth to power, power being the Democratic leadership here in the House.

What are these dirty words or phrases we can't use to describe the leading Democratic health care proposal?

We can't call it ''government-run'' even though that's what it's going to be inevitably. We can't call it ''single-payer'' even though that's where they're going. We can't call it ''socialized medicine.'' I don't know why not, but we can't. We can't call it ''ObamaCare.'' We can't call it ''rationed care'' even though rationing is an absolutely essential element to their plan. We can't call it the ''government mandate care'' even though it's full of mandates. The word ''shall'' appears, I believe, 100 times in the bill. ''Shall'' means ''must,'' which means a mandate. You can't call it ''keep your change care'' because, frankly, there won't be any change for you to keep.

The seven dirty words we can't use.

THE URGENCY OF HEALTH CARE REFORM

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

Mr. CARSON of Indiana. Madam Speaker, I rise today to speak to the urgency of health care reform. I want to share the story of Holly, an Indianapolis woman who has courageously fought and won two bouts with breast cancer. Thankfully, Holly's medical costs were largely covered by insurance. While she praises the care and treatment she received, Holly is rightly worried about the future.

Due to her history of recurring cancer, Holly will be uninsurable if she ever loses her job and, with it, her employer-based health insurance plan. Holly and thousands of people across my district know that the status quo will leave millions more uninsured, in some cases even fighting for their lives.

We must push forward with overhauling our health care system, not only for the 47 million who are uninsured but for the millions more who will be added to these rolls unless we act. Now is not the time for fear-mongering. Now is not the time for political posturing or for narcissistic behavior. We must be Representatives in the true sense of the word and act on behalf of the American people.

HONORING ST. ANN'S 150TH ANNIVERSARY

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

Mr. LANCE. Madam Speaker, I rise this morning in honor of the 150th anniversary of St. Ann's Roman Catholic Church in Hampton, Hunterdon County, New Jersey.

St. Ann's was officially established in 1859, and Father Claude Rolland of France was named its first resident pastor.

Throughout its history, St. Ann's has faithfully fulfilled its mission while, at the same time, helping to establish eight other Catholic churches in Hunterdon and Warren Counties. Due to its contribution to the history of our State in 2003, the church was designated by New Jersey as a Site of Historical Note. Today, St. Ann's Parish is enjoying a period of significant growth under the leadership of its current pastor, Father Michael Saharic.

I congratulate St. Ann's Church for its 150 years of service to the communities of Hampton, Glen Gardner and surrounding areas and as a pillar of faith.

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

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

The form of my resolution is as follows:

Whereas the gentleman from Georgia, Mr. Broun submitted an amendment to the Committee on Rules to H.R. 3326, Department of Defense Appropriations Act, 2010;

Whereas that gentleman's amendment would have required that none of the funds made available in this Act be used to standardize the design of future ground combat uniforms across the military branches;

Whereas defense appropriations have typically been used to provide funding for various types of equipment such as uniforms;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Ms. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 685, the rule to accompany H.R. 3326, be amended to allow the gentleman from Georgia's amendment to be considered and voted on in the House.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader, as a question of the privileges of the House, has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

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 further consideration of the bill, H.R. 3326.

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with Mr. BLUMENAUER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the committee of the whole rose on Wednesday, July 29, 2009, all time for general debate had expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 147, line 4.

The text of that portion of the bill is as follows:

H.R. 3326

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

Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $39,901,547,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,095,581,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,528,845,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,938,850,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,308,513,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,918,111,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $610,580,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,600,462,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,525,628,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,949,899,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $30,454,152,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $34,885,932,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,557,510,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $33,785,349,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $27,929,377,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That of the funds provided under this heading, not less than $29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications,$2,621,196,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation;

care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,280,001,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $228,925,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,079,228,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,353,627,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,888,741,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,932,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $415,864,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $285,869,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $494,276,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $11,100,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $277,700,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $109,869,000, to remain available until September 30, 2011.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $404,093,000, to remain available until September 30, 2012.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $100,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and

other expenses necessary for the foregoing purposes, $5,144,991,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,358,609,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,681,952,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,053,395,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $9,293,801,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $18,325,481,000, to remain available for obligation until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,226,403,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $794,886,000, to remain available for obligation until September 30, 2012.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $739,269,000;

Carrier Replacement Program (AP), $484,432,000;

NSSN, $1,964,317,000;

NSSN (AP), $1,959,725,000;

CVN Refueling, $1,563,602,000;

CVN Refuelings (AP), $211,820,000;

DD(X), $1,073,161,000;

DDG–51 Destroyer, $1,912,267,000;

DDG–51 Destroyer (AP), $328,996,000;

Littoral Combat Ship, $2,160,000,000;

LPD–17, $872,392,000;

LPD–17 (AP), $184,555,000;

Intratheater Connector, $357,956,000;

LCAC Service Life Extension Program, $63,857,000;

Prior year shipbuilding costs, $454,586,000;

Service Craft, $3,694,000; and

For outfitting, post delivery, conversions, and first destination transportation, $386,903,000.

In all: $14,721,532,000, to remain available for obligation until September 30, 2014: *Provided*, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,395,081,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,563,743,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,956,182,000, to remain available for obligation until September 30, 2012; *Provided*, That no funds provided in this Act for the procurement or modernization of C-17 aircraft may be obligated until all C-17 contracts funded with prior year ''Aircraft Procurement, Air Force'' appropriated funds are definitized.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such

plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $6,508,359,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $809,941,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $16,883,791,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,036,816,000, to remain available for obligation until September 30, 2012.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $82,846,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,151,884,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,197,300,000, to remain available for obligation until September 30, 2011: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $27,976,278,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,721,723,000, to remain available for obligation until September 30, 2011: *Provided*, That, notwithstanding any other provision of law, of the funds made available under this heading for missile defense programs, not less than $80,000,000 shall be available for the Kinetic Energy Interceptor Program.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $190,770,000, to remain available for obligation until September 30, 2011.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,455,004,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,692,758,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $29,891,109,000; of which $28,257,565,000 shall be for operation and maintenance, of which not to exceed two percent shall remain available until September 30, 2011, and of which up to $15,537,688,000 may be available for contracts entered into under the TRICARE program; of which $384,142,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which $1,249,402,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,510,760,000, of which $1,146,802,000 shall be for operation and maintenance, of which no less than $84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $34,905,000 for activities on military installations and $49,934,000, to remain available until September 30, 2011, to assist State and local governments; $12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than $12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $351,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which $348,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving

under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,237,684,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $364,550,000, of which $183,000,000 shall be for Attack the Network, to remain available until September 30, 2011; $25,000,000 shall be for Defeat the Device, to remain available until September 30, 2012; $35,000,000 shall be for Train the Force, to remain available until September 30, 2010; $121,550,000 shall be for Staff and Infrastructure, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $288,100,000, of which $287,100,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2012, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $290,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $611,002,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2010: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: *Provided further*, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled ''Explanation of Project Level Adjustments'' in the report of the Committee on Appropriations of the House of Representatives accompanying this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That

transfers may be made between working capital funds and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a report within 30 days of enactment of this Act that certifies full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are identified in that report for production beyond advance procurement activities in the fiscal year 2010 budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

F-18 aircraft variants.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That

for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under federal law.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity, commencing on the date on which the preliminary planning for the study begins through the date on which a performance decision is rendered with respect to the function, excluding time during which the study is suspended because of protests before the Government Accountability Office or United States Court of Federal Claims but including time during which the study is performed subsequent to such protests.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than $34,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,433,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $7,426,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $897,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2010 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,582 staff years of technical effort (staff years) may be funded for defense FFRDCs, not more than 3,236 staff years may be funded for the systems engineering and integration FFRDCs and not more than 1,264 staff years may be funded for laboratory FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,082 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $125,200,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement

memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used——

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the House of Representatives accompanying this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Army, 2009/2011'', $131,900,000;

''Shipbuilding and Conversion, Navy, 2009/2013'', $177,767,000;

''Other Procurement, Navy, 2009/2011'', $18,844,000;

''Aircraft Procurement, Air Force, 2009/2011'', $687,071,000;

''Missile Procurement, Air Force, 2009/2011'', $60,000,000;

''Other Procurement, Air Force, 2009/2011'', $36,400,000;

''Research, Development, Test and Evaluation, Navy, 2009/2010'', $20,000,000;

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $70,000,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $189,357,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program:

Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $106,754,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

SEC. 8072. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense, to

remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $202,434,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $45,792,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, $50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $72,400,000 shall be for the Arrow Missile Defense Program, of which $25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8074. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $454,586,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading Shipbuilding and Conversion, Navy, 2004/2010:

New SSN, $26,906,000;

LPD-17 Amphibious Transport Dock Program, $16,844,000;

Under the heading Shipbuilding and Conversion, Navy, 2005/2010:

New SSN, $18,702,000;

LPD-17 Amphibious Transport Dock Program, $16,498,000;

Under the heading Shipbuilding and Conversion, Navy, 2007/2011:

DD(X) Program, $309,636,000;

Under the heading Shipbuilding and Conversion, Navy, 2008/2012:

LPD-17 Amphibious Transport Dock Program, $66,000,000.

SEC. 8075. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8076. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Orthotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapy Assistants, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, Medical Technologists, Medical Technicians, Pharmacy Technicians, Health System Specialists, Medical Instrument Technicians, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8077. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 8078. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8079. (a) In addition to the amounts provided elsewhere in this Act, $3,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $3,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8080. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8081. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8082. Up to $2,500,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8083. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $88,700,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $30,000,000 to the Red Cross; $6,000,000 to the SOAR Virtual School District; $5,000,000 to The Presidio Heritage Center; $5,000,000 to the Paralympics Military Program; $4,800,000 to the Arrest Deterioration of Ford Island Aviation Control Tower, Pearl Harbor, HI; $2,000,000 to the Go For Broke program; $1,000,000 to Our Military Kids; $3,000,000 to the New Jersey Technology Center; $2,000,000 to the Women in Military Service for America Memorial; $500,000 to the Marshall Legacy Institute; $1,000,000 to the Vietnam Veterans Memorial Fund for Demining Activities; $7,400,000 to the Edward M. Kennedy Institute for the Senate; and $1,000,000 for the Riverside General Hospital in Houston, Texas, for the treatment of psychological health issues.

SEC. 8084. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8085. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8086. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8087. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided*

further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8088. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8089. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) None of the funds appropriated by this Act may be used to institute an inter-Service common contract for acquisition of MQ–1 or MQ–1C UAVs until 30 days after the Secretary of Defense certifies to the congressional defense committees that a common contract would achieve cost savings, be interoperable with, and not create undue sustainment costs compared to the current fleet.

SEC. 8090. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8091. Up to $15,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8092. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2011.

SEC. 8093. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8094. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8095. The Secretary of Defense shall create a major force program category for space for the Future Years Defense Program of the Department of Defense. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8096. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40 Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8097. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 35 percent of the total cost of the contract, grant, or agreement (or similar arrangement): *Provided*, That this limitation shall apply only to funds made available in this Act for basic research.

SEC. 8098. The Secretary of Defense shall maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SEC. 8099. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8100. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8101. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8102. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8103. (a) CONTINUATION OF STOP-LOSS SPECIAL PAY.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $8,300,000 is hereby appropriated to the Secretary of Defense to carry out this section. Such amount shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2010 to members of the Army, Navy, Air Force, and Marine Corps, including members of their reserve components, who, at any time during fiscal year 2010, serve on active duty while the members' enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a ''stop-loss authority'') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) SPECIAL PAY AMOUNT.—The amount of the special pay paid under subsection (a) to or on behalf of an eligible member shall be $500 per month for each month or portion of a month during fiscal year 2010 that the member is retained on active duty as a result of application of the stop-loss authority.

(c) TREATMENT OF DECEASED MEMBERS.—If an eligible member described in subsection (a) dies before the payment required by this section is made, the Secretary concerned shall make the payment in accordance with section 2771 of title 10, United States Code.

(d) CLARIFICATION OF RETROACTIVE STOP-LOSS SPECIAL PAY AUTHORITY.—Section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) is amended by adding at the end the following new subsection:

''(i) EFFECT OF SUBSEQUENT REENLISTMENT OF VOLUNTARY EXTENSION OF SERVICE.—Members of the Armed Forces, retired members, and former members otherwise described in subsection (a) are not eligible for a payment under this section if the members—

''(1) voluntarily reenlisted or extended their service after their enlistment or period of obligated service was extended, or after their eligibility for retirement was suspended, pursuant to a stop-loss authority; and

''(2) received a bonus for such reenlistment or extension of service.''.

SEC. 8104. Appropriations available to the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes may be used for such purchase, up to a limit of $262,000 per vehicle, notwithstanding other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8105. During the current fiscal year, not to exceed $10,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army,'' ''Operation and Maintenance, Navy,'' and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That the funds transferred under this provision are to be merged with, and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8107. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of the reprogramming that —

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity;

(3) augments funds for existing projects in excess of 10 percent or more; or,

(4) reduces by 10 percent or more funding or personnel for a project;

(b) None of the funds provided for the National intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) made after August 1, 2010, except in extraordinary circumstances and after the Committees on Appropriations of the House of Representatives and the Senate are notified 30 days in advance of the reprogramming.

SEC. 8108. None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be used to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76, as of the date of enactment of this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. During the current fiscal year, the Secretary of Defense may transfer to the appropriation ''Foreign Currency Fluctuations, Defense'' unobligated amounts of funds appropriated for operation and maintenance for fiscal year 2007, 2008, or 2009 and unobligated amounts of funds appropriated for military personnel for any of such fiscal years if such unobligated amounts are not necessary for the liquidation of obligations or for the making of authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations: *Provided*, That the amount in the appropriation ''Foreign Currency Fluctuations, Defense'' may not exceed the amount specified in subsection 2779(d) of title 10, United States Code, as a result of the transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained in this Act.

SEC. 8110. The amounts appropriated in Title II of this Act are hereby reduced by $289,570,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 8111. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $1,000,000, within the Intelligence Community until the Director of National Intelligence certifies to the congressional intelligence committees that the system is being developed and managed in accordance with the Business Transformation requirements.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees notification of approvals under paragraph (1) no later than 30 days after certification. Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8112. (a) In addition to funds made available elsewhere in this Act, there is hereby appropriated $439,615,000 to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(b) The Secretary of Defense is directed to award one or more contracts for the aerial refueling tanker replacement program according to either of the following alternatives:

(1) A contract to a single offeror based on a best value or lowest cost source selection derived from full and open competition, subject to the condition that non-development aircraft produced under such contract must be finally assembled in the United States. Such competition and source selection shall include evaluation of the life-cycle costs of each aircraft over a 40-year period (including costs of fuel consumption, military construction and other factors normally associated with operation and support of tanker aircraft) and shall include an independent 40-year life-cycle cost estimate conducted by a federally funded research and development center; or

(2) Contracts awarded to each of the two offerors that responded to Request for Proposal No. FA8625-07-R-6470 (as released on January 29, 2007) subject to the condition that all non-development aircraft produced under any such contracts must be finally assembled in the United States.

(c) The Secretary of Defense shall certify in writing to the congressional defense committees by October 1, 2009, which of the procurement alternatives in subsection (b) represents the most cost-effective and expeditious tanker replacement strategy that best responds to United States national security requirements. The certification shall be accompanied by a report to the congressional defense committees detailing the rationale for such certification.

SEC. 8113. (a) Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if

the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) FORM OF PAYMENT.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—(1) The authority to provide benefits under this section shall expire on the date that is 1 year after the date of the enactment of this Act.

(2) Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 8114. (a) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFUGEES.—Section 1244(g) of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 398) is amended by striking ''for a period not to exceed eight months'' and inserting ''to the same extent, and for the same periods of time, as such refugees''.

(b) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 123 Stat. 809) is amended by striking ''for a period not to exceed 8 months'' and inserting ''to the same extent, and for the same periods of time, as such refugees''.

SEC. 8115. (a) With respect to the list of specific programs, projects and activities contained in the tables entitled ''Explanation of Project Level Adjustments'' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI of the House of Representative, when awarded to a for profit entity, shall be awarded under full and open competition.

(b) For profit entities previously awarded a contract with the Department of Defense which remains in effect during fiscal year 2010, to provide such programs projects or activities as described in subsection (a), shall be considered to have satisfied the conditions of full and open competition, provided that any such contract was awarded under full and open competition.

SEC. 8116. The amounts appropriated in title II of this Act are hereby reduced from the specified accounts in the specified amounts:

''Operation and Maintenance, Navy'', $192,000,000;

''Operation and Maintenance, Marine Corps'', $28,000,000;

''Operation and Maintenance, Air Force'', $188,000,000;

''Operation and Maintenance, Defense-Wide'', $142,000,000.

SEC. 8117. In carrying out Congressionally Directed Medical Research programs related to breast cancer research, the Secretary of Defense shall ensure the following:

(a) The selection process for choosing an individual to serve as a member of an integration panel shall be fair and representative of the interested community so that the integration panel consists of a diverse representation of the breast cancer survivor and advocacy community; and

(b) An individual serving as a member of an integration panel may not be an employee, serve on the board of, or have a financial relationship with the same organization (including any organization related to such organization through common board membership, financial support, or other similar relationship) as that of another individual serving as a member of such panel.

SEC. 8118. None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be used to eliminate any personnel positions from the 194th Regional Support Wing of the United States Air National Guard as of the date of enactment of this Act.

SEC. 8119. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, the District of Columbia, or any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at the Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, the District of Columbia, or any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of detaining or prosecuting such individual until 2 months after the plan detailed in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence or to the freely associated States of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), or the Republic of Palau, or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

TITLE IX

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $10,492,723,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,622,717,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $997,470,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,855,337,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $302,637,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $39,040,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $31,337,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $24,822,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $839,966,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $18,500,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $41,836,029,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $4,975,665,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,961,279,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $7,858,895,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $7,397,800,000, of which:

(1) not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $1,540,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $163,461,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $54,447,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $69,333,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $100,740,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $257,317,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $231,889,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for expenses directly relating to overseas contingency operations by United States military forces, $14,636,901,000, to remain available for obligation until expended: *Provided*, That of the funds made available under this heading, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, the defense health program appropriation, and working capital funds accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $7,462,769,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command-Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall,

not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,636,229,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $469,470,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,219,466,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $370,635,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $5,635,306,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $889,097,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $73,700,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $698,780,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $260,797,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,100,268,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $825,718,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $36,625,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $256,819,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,275,238,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $489,980,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of items of equipment as designated by the Chief of the National Guard Bureau and the Chiefs of the reserve components of the Armed Forces, $500,000,000, to remain available for obligation until September 30, 2012, of which $300,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RAPID ACQUISITION FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the Rapid Acquisition Fund. For the Rapid Acquisition Fund, $40,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, for the purpose of providing for Joint Urgent Operational Needs: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That funds so transferred shall be merged with and shall be available for the same purposes and the same time period as that account to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such funds may be transferred back to this appropriation: *Provided further*, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,606,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such funds may be transferred back to this appropriation: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $57,962,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $38,280,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $29,286,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $115,826,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $412,215,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,155,235,000, which shall be for operation and maintenance: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities'', $317,603,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,490,000,000, of which $730,000,000 shall be for Attack the Network, to remain available until September 30, 2011; $600,000,000 shall be for Defeat the Device, to remain available until September 30 2012; and $160,000,000 shall be for Train the Force, to remain available until September 30, 2010: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $8,876,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2010.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $3,000,000,000 between the appropriations or funds made available to the Department of Defense in this title, with the exception of the ''Overseas Contingency Operations Transfer Fund'': *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: *Provided further*, That the amount in this section is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan or Iraq, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of $75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

SEC. 9005. Not to exceed $1,300,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, of the funds provided, $500,000,000 shall not be available until 5 days after the Secretary of Defense has completed a thorough review of the Commander's Emergency Response Program and provided a report on his findings to the congressional defense committees.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9007. During fiscal year 2010 and from funds in the ''Defense Cooperation Account'', as established by 10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed $6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That the amount in this section is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9009. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9010. (a) REPORT ON IRAQ TROOP DRAWDOWN STATUS, GOALS, AND TIMETABLE.—In recognition and support of the policy of

President Barack Obama to withdraw all United States combat brigades from Iraq by August 31, 2010, and all United States military forces from Iraq on December 31, 2011, Congress directs the Secretary of Defense (in consultation with other members of the National Security Council) to prepare a report that identifies troop drawdown status and goals and includes—

(1) a detailed, month-by-month description of the transition of United States military forces and equipment out of Iraq; and

(2) a detailed, month-by-month description of the transition of United States contractors out of Iraq.

(b) ELEMENTS OF REPORT.—At a minimum, the Secretary of Defense shall address the following:

(1) How the Government of Iraq is assuming the responsibility for reconciliation initiatives as the mission of the United States Armed Forces transitions.

(2) How the drawdown of military forces complies with the President's planned withdrawal of combat brigades by August 31, 2010, and all United States forces by December 31, 2011.

(3) The roles and responsibilities of remaining contractors in Iraq as the United States mission evolves, including the anticipated number of United States contractors to remain in Iraq after August 31, 2010, and December 31, 2011.

(c) SUBMISSION.—

(1) Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through September 30, 2010, the Secretary of Defense shall submit the report required by subsection (a) and a classified annex to the report, as necessary.

(2) The Secretary may submit the report required by subsection (a) separately as provided in paragraph (1) or include the information required by this report when submitting reports required of the Secretary under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410).

The Acting CHAIR. No amendment shall be in order except the amendments printed in House report 111–233. Each amendment in part A of the report 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 read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; not to exceed eight of the amendments printed in part B of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, shall be in order, 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; an en bloc amendment, if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, consisting of all the amendments printed in part B of the report, shall be in order, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; not to exceed two of the amendments printed in part C of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee, shall be in order, which may be offered only in the order printed in the report, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

After disposition of the amendments specified in the first section of House Resolution 685, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

The amendments specified in the first section of House Resolution 685 shall not be subject to a demand for division of the question.

PART A AMENDMENT NO. 1 OFFERED BY MR. MURTHA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111–233.

Mr. MURTHA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. MURTHA:

Page 8, line 11, before the period at the end, insert the following: '': *Provided,* That $60,199,000 shall be made available for the Joint POW/MIA Accounting Command''.

Page 103, line 3, strike ''$10,000,000'' and insert ''12,000,000''.

Page 118, after line 15, insert the following new sections:

SEC. 8120. None of the funds appropriated or otherwise made available in this Act may be used for advance procurement of the F–22 aircraft: *Provided,* That $368,800,000 of the funds made available in title III under the heading ''Aircraft Procurement, Air Force'' may be available for the following programs in the following amounts:

(1) $64,000,000 for production line shut down activities for the F–22.

(2) $138,800,000 for spare engines for F–22 and C–17 aircraft.

(3) $79,000,000 for LAIRCM kits for the Air National Guard.

(4) $37,000,000 for advanced targeting pods.

(5) $50,000,000 for advanced radar development.

SEC. 8121. The amount appropriated in title VI under the heading ''Defense Health Program'' for operation and maintenance is hereby reduced by $26,000,000 and the amount appropriated under such heading for research, development, test, and evaluation is hereby increased by $26,000,000.

SEC. 8122. None of the funds appropriated or otherwise made available in this Act may be used to award to a contractor, or convert to performance by a contractor, the provision of utilities at the United States Military Academy at West Point.

SEC. 8123. The amounts otherwise provided by this Act are revised by reducing the amount made available under title II under the heading ''Operation and Maintenance, Air Force'', and increasing the amount available under title VI under the heading ''Chemical Agents and Munitions Destruction, Defense'', by $50,000,000.

SEC. 8124. None of the funds appropriated or otherwise made available in this Act may be used by the Secretary of the Army to convert government-owned ammunition production assets to the private sector.

Page 122, line 3, strike ''*Provided,* That'' and insert ''*Provided,* That up to $241,503,000 of the amount under this heading shall be transferred to the Coast Guard 'Operating Expenses' account: *Provided further,* That''.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Pennsylvania (Mr. MURTHA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. This amendment provides $60,199,000 to be made available for a joint POW/MIA account, $2 million additional funding for the Fisher House, for a total of $12 million, for redirecting $368,800 otherwise available for advanced procurement of additional F–22 aircraft spare parts. Let me explain—well, some money shifting from the health program and some chemical agents and so forth. In other words, some amendments we couldn't get to in the floor.

The major difference is that I had advanced funding for the F–22 in the bill, and obviously the Senate, in its wisdom, defeated the possibility of the F–22 passing. So what I've done is say, okay, if we're not going to have an F–22, let's at least fund the original 187 airplanes at the fullest robust level. And that's the only difference, actually, that we have between myself and Mr. YOUNG.

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

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the manager's amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 10 minutes.

Mr. YOUNG of Florida. Mr. Chairman, as Chairman MURTHA suggested, we basically support this manager's amendment. We have no opposition, and in fact, support it except for the one item that has to do with the air superiority aircraft, the F–22.

We support the original position that Chairman MURTHA offered to the subcommittee and the subcommittee agreed to, and that was to be able to keep the production line open for the F–22. We're just really concerned that 187 aircraft cannot guarantee that we will control the air over the battlefield if that situation develops.

I now include a chart that I discussed yesterday in general debate on the number of aircraft, fighter aircraft, that we have bought over the years, and how many of them we have lost through attrition, through accidents, and through actual combat.

AIRCRAFT HISTORY

F–4: Production: 1958 to 1979 by McDonnell Douglas; Built: 4,138 (2,874 USAF; 1,264 Navy and MC); Lost: 71 combat losses plus 54 lost in accidents (3%).

F–14: Production: 1970 to 1992 by Northrop Grumman; Built: 679; Lost: 121 (18%); Retired in 2007.

F–15: Production: 1974 to 1985 by McDonnell Douglas/Boeing; Built: 1,118; Destroyed: 117 (10%); Active Today: 618.

F–16: Production: 1978 by General Dynamics/Lockheed Martin; Built: 2,230; Destroyed: 334 (15%) includes 25 destroyed due to battle damage; Active Today: 1,167.

F–18: Production: 1983 by McDonnell Douglas/Boeing; Built: 1,048; Lost in accidents: 170

(includes 2 shot down in Gulf War); Stricken for maintenance and exceeding life limits: 246 (40%); Active Today: 632.

F–22: Production: 2001 to 2009 by Lockheed Martin; Building: 187; Projected losses: 6, leaving only 181 (3% like the F–4); 19, leaving only 168 (10% like the F–15); 28, leaving only 159 (15% like the F–16); 34, leaving only 153 (18% like the F14); 75, leaving only 112 (40% like the F–18).

187 just doesn't really, in my opinion, doesn't guarantee that we will have what we need. Hopefully, we'll never need them, but we just don't know that we might not need them. And if we need them and don't have them, where are we and where is the soldier on the ground? If we need them and don't have them, somebody else's airplane may be over that battlefield.

So it would have been better if we could have had a straight up-or-down vote on the F–22 issue, and I requested of the Rules Committee to make such an amendment in order, and they chose not to do so.

So I will vote against this manager's amendment—again, not because we're opposed to the manager's amendment, but we think that we are threatening the future security of air control and air superiority over the battlefield.

I reserve the balance of my time.

Mr. MURTHA. I yield myself 2 minutes.

I certainly agree with what the gentleman said. I have a great concern about air superiority, but the problem is we need 292 votes in the House. The President is hard over on this issue. We need 66 votes in the Senate, and there is no chance of us getting that kind of a vote.

So what I'm trying to do is make sure that that is robustly funded, the ones that are there, because the very thing Mr. YOUNG mentioned, the fact that these airplanes have high maintenance, they cost about $50,000 an hour to maintain, and it's very expensive and very burdensome. So I want to make sure they have the spare parts they need, the engines they need in order so the ones we have, have what they need.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield now to a very distinguished member of the subcommittee, the gentleman from New Jersey (Mr. FRELINGHUYSEN) for 3 minutes.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I rise in opposition to the amendment authored by our chairman. I don't quarrel with many of the provisions of the Murtha amendment. He's absolutely right on in most regards. But, Mr. Chairman, I ask my colleagues to remember one day, April 15, 1953. On that date is the last time a U.S. soldier, sailor or marine was killed by an attack from the air. It's nearly 60 years ago, during the Korean War.

Air dominance has been the game changer that has allowed our ground troops to execute their missions. We have air dominance today. Our job here is to make sure we have it tomorrow, and certainly the committee is going to do that. But air dominance is fragile and could slip away quickly. As we gather here today, the Russians are producing advanced fighter aircraft. We know that. The Chinese are apparently working to reverse engineer some of those advanced fighters for their own use, and we know certain countries are producing and selling very sophisticated air defense systems; more accurate, more lethal, more mobile, more difficult to neutralize than any systems our Air Force and Navy has ever faced. Hence, the need for the F–22.

The Air Force has 187 F–22 Raptors. It does not have 187 for combat deployment. We would like that to be the case. About 130 or so are ready, what we call combat coded with the full package, and they're ready for those missions. Approximately 60 are maintained, as I understand, for training and testing purposes.

And the question, of course, arises—and I support the F–25 Joint Strike Fighter. It's on its way, but when and how soon. The Joint Strike Fighter, as we know, is not the Raptor, doesn't have those capabilities. I think we need to keep the F–22 assembly line alive and warm. Once it's shut down, there is virtually no prospect that we can bring it back again. You can't flip the switch to bring the Raptor back into production.

So I rise in reluctant opposition to the amendment. I respect the chairman's desire to sort of keep the line open, have spare parts, but I do oppose the amendment.

Mr. MURTHA. I reserve.

Mr. YOUNG of Florida. I will yield to the gentleman from Georgia (Mr. KINGSTON), a member of the subcommittee, for 2 minutes.

Mr. KINGSTON. I thank the gentleman from Georgia and the gentleman from Pennsylvania.

I wanted to speak about the F–22 issue because, as we know, the Senate has cut off funding for it, but I do have some concerns about our fighter fleet.

Currently, the military inventory is 3,500 fighter aircraft. That's 2,400 for the Air Force, 1,100 for the Navy and the Marine Corps. Most of these aircraft were purchased at high annual rates during the 1980s. These aircraft will reach the end of their service in the next 10 years.

So what we're talking about is something that maybe could be more important in the next decade or within the next decade than might be to people today, but the Air Force will replace the A–10, the F–16, and the F–15 with the F–22 and the F–35 Joint Strike Fighter.

To give you an idea of some of these ages, there are 350 A–10s with an average age of 28 years, 470 F–15s with an average of 26 years, 220 F–15s with an average of 17 years, 1,200 F–16–S's with an average of 20 years. We have roughly 140 Raptors to replace the fleet and have no F–35–S's and will not have them until 2013. And of course the F–22 production line will end in 2011. That's the Air Force.

Now, as respects the Navy, the Navy will replace the carriers and F/A–18 Hornets with Super Hornets and the F–35–Js, Joint Strike Fighters. The reason they're doing this is to have 125 carriers with an average age of 14 years each, 620 Hornets with an average age of 19 years.

The Acting CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. I yield the gentleman from Georgia 1 additional minute.

Mr. KINGSTON. I thank the gentleman.

What I will do, I will submit some of these statistics for the record. But I guess the bottom line is that we're very concerned with the need to replace the aging fleet in the Navy and in the Air Force, and I believe keeping the F–22 line open resolves some of this.

The Defense Committee has worked very hard on this. There's been a lot of good bipartisan dialogue. I know both sides care about it, whether you're for or against this amendment, but I think that at this time we need to go on this very cautiously and very slowly.

I appreciate the chairman's and the ranking member's leadership on this issue and look forward to continue working with you.

Mr. MURTHA. I just want to reiterate what I said.

The political climate has changed substantially. We're in a situation where the President's hard over, and we are doing the best we can to have robust funding for the fleet. That's what I intend to do, or I hope, when this amendment passes, that's what we'll have done.

With that, I reserve the balance of my time.

□ 1045

Mr. YOUNG of Florida. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I appreciate the difficulty we're in; but once again, to have air superiority requires two things: technical superiority, which the F–22 provides, as well as numerical superiority, which was why originally we were going to build 750. Up until last year, 381 was the minimum. Everyone from Air Combat Command, to Air National Guard, to every study says 243 is the number. There is no data that says 187 is the correct number, other than the Secretary. If the Russians are going to build a new generation and sell 200 to 300 at the same time we cut 250 legacy planes from our Air Force, at the same time we stop the F–22, at the same time the F–35 is not going to be available until 2014 at the earliest and still has problems, we may find ourselves on the wrong side of history

if we do not stand up for the F–22. If we can spend $5 billion on ACORN but complain about $2 billion for 18,000 jobs to continue on a plane that we need, there is something in our prioritization that needs to be reviewed.

I appreciate the position of the gentleman from Pennsylvania, but here is the time we need to make a statement that the future is essential.

Mr. MURTHA. I yield myself 1 minute.

I will say to the gentleman, as I have said before, we're doing the best we can with what we have. Politically, it's changed so dramatically that we just have no alternative than to make sure that what we have is robustly funded.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, can I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Florida has 2 minutes remaining. The gentleman from Pennsylvania has 7 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

I want to say and to make sure that Members understand that I know that Mr. MURTHA is not opposed to the F–22 and that he supports it because it was in his original mark that he presented to the subcommittee. And I understand the change in political mode that we have experienced. But you know, from the time that I came here, we were fighting about the F–14. There were those who didn't want to do the F–14, which was a very important aircraft for our fleet protection. Most of our new aircraft have been opposed by certain quarters in the country. The M1 tank, which is by far the world's best tank, was opposed by certain groups of people. Well, we cannot afford to allow an enemy to control the air over our troops. It's as simple as that. We have never sent our soldiers into battle with only 187 fighter aircraft in our inventory that have the capability to control the air over the battlefield. So yes, it's expensive. Freedom doesn't come free. I'm not really opposed to this amendment, but I'm going to vote against it because of the F–22 issue.

I yield back the balance of my time.

Mr. MURTHA. I yield back the balance of my time and call for an affirmative vote on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA).

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

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

PART A AMENDMENT NO. 2 OFFERED BY MR. CONAWAY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111–233.

Mr. CONAWAY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. CONAWAY:

Page 8, line 11, after the dollar amount, insert the following: ''(increased by $1,000,000) (reduced by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. I thank the Chair. I appreciate that, and I will endeavor to not use all the 5 minutes.

Mr. MURTHA. Will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. We're willing to accept the amendment.

Mr. CONAWAY. Mr. Chairman, thank you for accepting the amendment.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. CONAWAY. Yes, sir, I will.

Mr. YOUNG of Florida. Mr. Chairman, we support this amendment and are happy to accept it.

Mr. CONAWAY. Thank you very much.

Let me briefly explain what it does because on the surface, it looks like it's just an in-and-out with no real issue. I will be quick. The issue allows me to talk about financial management, internal controls, and clean audits at the Department of Defense. This is, as it should be, a high priority that is reflected in the priorities set by the Secretary of Defense himself. It's not really up to the Appropriations Committee to find these funds. These funds ought to come out of hide. It's important they do that.

Yesterday or the day before, the Secretary announced a $60 billion savings search for the Department of Defense. He can't find that money without good internal controls. The authorization committee has said this is now a priority. We've accelerated the movement by 4 years, the point at which the Department of Defense needs to have clean, audited financial statements. Sarbanes-Oxley made that function of internal control a high priority when it was passed. Businesses had to do what was referred to as section 404 reviews. It was difficult, it was painful, and it was expensive. But almost every one of those publicly held companies will tell you today that after they put those new controls in place, that they are better. Their financial statements are better. Their decisions based on financial information are better. The same thing would apply to the Department of Defense if they would make this a priority. It has to be a priority for the Secretary of Defense, the appropriations committee and the authorization committee.

Mr. MURTHA. Would the gentleman take yes for an answer?

Mr. CONAWAY. I did. I just want to get this on record. I did take yes for an answer. The importance of financial statement auditing is important. It needs to be a priority.

I yield back the balance of my time.

The Acting CHAIR. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

PART A AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111–233.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 596 in part A.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. FLAKE:

Page 35, line 2, after the dollar amount, insert ''(reduced by $160,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair. Before I start with this amendment, I want to say that I support the part of the manager's amendment that the gentleman from Pennsylvania offered with regard to the F–22 program. I'm glad that we're doing what we're doing there, and I commend the committee for sticking with what the President wanted there. I think we've done the right thing.

This amendment would remove $160 million in funding for the U.S.-made first responder radios for use by Mexico's police force. This request is not classified as an earmark but is programmatic funding, and it came to my attention last week when it was featured in a story by the Washington Post. According to the article, 12 Members of Congress requested this funding which is to be used for radios with certain specifications. The article goes on to say that while no specific company is named in the bill, Motorola, which makes radios that fit the parameters set forth in the bill and which is based in Illinois, home to seven of the requesting Members, appeared to be the intended beneficiary of this funding. At the same time, the article points out that because this request is not considered to be an earmark, the Members who requested it are not required to publicly report it. Typically they have

to sign a certification saying they have no financial interest in the earmark, and that was not the case here.

Mr. Chairman, if it looks like an earmark, sounds like an earmark, I think it's an earmark. It ought to be disclosed under House rules, and it isn't here. Even if we accept that funding directed to a nameless company based on a certain set of requirements that only one company could provide is not an earmark, then we're met with an inconvenient problem: Why bother to make the earmark process more open and transparent when it would be just as easy to request the funding—in this case, funding that is several times more expensive than the average earmark—by calling the beneficiary a program and tailoring its description to suit the needs of one company? It's bad enough that this bill includes over 500 earmarks directed at private companies. The sponsors of those earmarks are all required to disclose their requests on their Web sites; and they even certify, as I mentioned, that they have no financial interest. But that is not the case here. They write letters, but it doesn't show up as an earmark.

The Post article quotes Bill Allison, senior fellow at the Sunlight Foundation, as saying, ''It kind of makes a mockery of the disclosure requirements we have. They will disclose the little things, the $1 million projects; but when you have big-ticket items, you don't have Members willing to take responsibility for those.'' I agree with Mr. Allison's assessment. If we truly want to drain the swamp and make the earmark process more transparent, we can't continue to allow private companies to be funded outside the current House rules.

I urge support for my amendment and reserve the balance of my time.

Mr. MURTHA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

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

Mr. FLAKE. I would inquire of the gentleman on the subcommittee if he believes that this is an earmark; and if it is, why Members aren't required to certify that they have no financial interest if they're requesting money for it?

I yield the gentleman time to respond.

Mr. MURTHA. I will use my own time.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I will reserve the balance of my time.

Mr. MURTHA. I have the right to close, and I reserve my time.

Mr. FLAKE. We have a process here that I think over the years has been abused severely. We see that whenever we pick up the paper. We see examples of earmarks that have gone out of this place in prior years with no notice at all. Last year we didn't even have any opportunity to offer any amendments. The Appropriations Committee didn't even mark up the Defense bill. We see story after story from prior years of what happens when we don't have adequate disclosure and transparency. I would submit that that's what we're continuing here. We have a programmatic request that 12 Members signed a letter. Seven of those Members represent the State in which the recipient of the earmark clearly will receive a huge contract, and yet we don't have to file the disclosure requirements that we do for regular earmarks. I would say that we should not fund this programmatic request, which is really a stealth earmark, and get back to the process that we at least pretend to follow here, where we have disclosure and accountability. I would urge support of the amendment.

I yield back the balance of my time.

Mr. MURTHA. I rise in opposition to the amendment. I am trying to figure out what the gentleman is trying to do. This was in the table from the White House, from the administration, the Defense Department. This would delete $160 million in drug interdiction and counter-drug activities which go to Mexico, Afghanistan and Colombia. The Defense Department has the authority to train and equip foreign governments for counter-drug activities since Congress enacted section 1004 of the '91 National Defense Authorization Act. This funding will enable the Department of Defense to provide digital communication equipment to our allies in order to fight the increasing drug trade and execute this funding at the discretion of the Department of Defense.

I mean, I can't imagine anything that's more important to us and our troops in Afghanistan than the amount of money that we're putting in for anti-drug interdiction. So I would urge the Members to vote against this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART A AMENDMENT NO. 4 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111–233.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. SESSIONS:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 1001. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the use of hyperbaric oxygen therapy (in this section referred to as ''HBOT'') under the Secretary of Defense. Such report shall include the following:

(1) The number of members of the Armed Forces, veterans, and civilians being treated with HBOT.

(2) The types of conditions being treated with HBOT and the respective success rates for each condition.

(3) The current inventory of all hyperbaric chambers being used by the Secretary of Defense (including the locations, the purposes, and the rate of use of such chambers).

(4) Any plans for expanding the use of HBOT for treatment.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Texas Mr. (Sessions) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 1100

Mr. SESSIONS. Mr. Chairman, thank you very much, and I appreciate the opportunity for you to recognize me.

Mr. YOUNG of Florida. Mr. Chairman, would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, we are very familiar with this amendment. We know of the great work Mr. SESSIONS has done relative to the hyperbaric chambers for treatment of all types of wounds and diseases, and we are very pleased to accept this amendment.

Mr. SESSIONS. I thank the gentleman, and I appreciate his help.

Mr. MURTHA. If the gentleman would yield, I agree with the amendment.

Mr. SESSIONS. I thank the gentleman, the chairman of the committee, Mr. MURTHA.

Mr. Chairman, I would just like to say that this committee, as well as the Rules Committee, has been very open to receiving information about the current status of hyperbaric oxygen treatment as an opportunity for us to learn more about how we will help our returning veterans and those who have been injured in conflicts around the globe.

This body has worked very closely with not only Secretary Gates, General Casey, the Chief of Staff of the United States Army, but also with their designee, General Lori Sutton, who is working very closely with the Congress to make sure that we pay attention to the head trauma injuries of our soldiers as they engage in trying to help the United States win the war on terror.

I want to personally thank not only the gentleman, Mr. YOUNG, and the

gentleman, Mr. MURTHA, but also the appropriators, Mr. WAMP and Mr. EDWARDS. I would also like to thank the chairwoman of the Rules Committee, Ms. SLAUGHTER, for not only making this amendment in order, but also the words of support that have been expressed on behalf of the Armed Services Committee, but also the Rules Committee.

I thank both these gentlemen for accepting my amendment.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

PART A AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111–233.

Mr. TIERNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. TIERNEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in title IV under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' shall be available for the Kinetic Energy Interceptor program, and the amount otherwise provided under such heading is hereby reduced by $80,000,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my colleague, Congressman HOLT, and I are offering this amendment striking $80 million that's in the bill for the Kinetic Energy Interceptor program. Mr. HOLT and I believe that the Kinetic Energy Interceptor program no longer warrants Congress' support, and we are not alone in that assessment.

The Bush administration made the initial decision to terminate the KEI program in its fiscal year 2010 Program Objectives Memorandum last fall. Then, President Obama did not include funding for it in his budget proposal, and both the House Armed Services Committee and the Senate Armed Services Committee did not specify funding for it in their respective authorization bills.

Secretary Gates has testified that ''the missile's 38 or 39 feet long. It weighs 12 tons. There's no extant ship we can put it on. We would have to design a new ship.''

The head of the Missile Defense Agency, Lieutenant General O'Reilly, has said that the KEI program is being terminated because ''its capability is inconsistent with the missile defense mission to counter rogue nation threats.''

The KEI program was intended to be a 5-year development program that is now a 16-year development program.

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

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. TIERNEY. Mr. Chairman, I would just like to say the majority leader is fond of saying that it is never too late to do the right thing, and here is our opportunity to do the right thing.

We have to, at some point in time, start looking at all of our budgets, and that includes the Defense budget, to make sure that we're not putting money out that needs to be put towards other priorities.

Here you have the Missile Defense Agency's director itself saying that this program should be terminated. You have the Secretary of Defense in two administrations saying the program should be terminated. You have, from what I can hear from people, the silence of those that say they are against this amendment, not arguing that in fact this is a program that should move forward.

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

Mr. MURTHA. I continue to reserve.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to my colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts.

Almost no one believes that the Kinetic Energy Interceptor program is necessary or that it will be completed successfully. The Director of the Missile Defense Agency, the Secretary of Defense, and the President have all called for the termination of the program. House and Senate Armed Services Committees have supported that position.

I understand the desire of the chairman of the subcommittee (Mr. MURTHA) to get something of value from all the money that has been already spent, but stringing this program along is not the answer. Even after the removal of this money there will be plenty of funding to learn from the mistakes of the program.

Mr. Chairman, even if the KEI were successful, it will never work well enough to change our strategy. Missile defense systems must be perfect to achieve their professed goals, and we can never get that perfection.

The fact that we don't need them against our friends and that they will only encourage our enemies to build more offensive systems to get around, this so-called shield are the arguments against this missile defense. The best this flawed system could ever provide is a provocative, yet permeable defense. I urge my colleagues to adopt the amendment.

Mr. MURTHA. Mr. Chairman, I continue to reserve.

Mr. TIERNEY. I am happy, I guess, to keep on talking. I think that the desire to have the final word without any rebuttal is somewhat indicative of the strength of an argument, but if that is the gentleman's choice, certainly you are able to do that.

I would note that the administration urges the Congress to support the President's initiative to terminate or reduce programs that fund narrowly focused activities and duplicate existing programs and that have outlived their usefulness. It particularly mentions the Kinetic Energy Interceptor program as one of those, indicating that we can better target scarce resources and redirect funds to programs with a greater potential for results. And that, of course, is in the Statement of Administration Policy with respect to this bill.

Let me, if I can, Mr. Chairman, just read what the Director of the Missile Defense Agency says about this, and he said this on May 21, 2009:

''The original KEI mission grew from a boost phase only mission to a boost and mid-course mission. The development schedule grew from 5½ years to 12 to 14 years (depending on spirals), program cost grew from $4.6 billion to $8.9 billion, and the missile average unit production cost grew from $25 million to over $50 million per interceptor. Technical issues delayed the first booster flight test date (established in 2007) by over a year,'' and this year any further testing is highly unlikely.

''Given the above and that 15 percent of the $8.9 billion worth of work on contract till 2018 has been accomplished, the KEI program was terminated.''

And further, you have the Secretary of Defense, Mr. Gates, indicating that this is one decision that he didn't have to make or take credit for. The Missile Defense Agency itself, under the Bush administration, essentially eliminated the Kinetic Energy Interceptor, or thought that it had.

First of all, he said this has been a 5-year development program that now looks like it's about to be a 16-year development program. There has not been a single flight test. There has been little work on the third stage of the kill vehicle, which is obviously critical. A big part of the program is that it needs to be close to the launch site to be able to be effective, and the 38- or 39-foot size of the instrument and the weight of 12 tons means that we have no extant ship that could actually be used to get close enough. It would be virtually of limited or no use against Iran or Russia or the Chinese. It has very limited capability, and that is why this is not a productive way to proceed on this matter.

There may be some argument by some here—and we will never know

until after we're finished talking, of course—that we want to keep some of this money in for research purposes. Let me suggest to my colleagues that there is a significant amount of money in research, development and testing within the entire Department of Defense budget as well as within the budget for the Missile Defense Program.

I urge my colleagues to support this motion and thank the chairman for the time.

Mr. MURTHA. I rise in opposition to the amendment. It will strike $80 million out of the Kinetic Energy Interceptor program.

In my estimation, what I said to the Defense Department over and over again, all at once, after all these years of no oversight in the Defense Department, they get nothing from the program. We've got the same thing in the Presidential helicopter. We've got the same thing in many of these other programs. What I'm trying to convince them is they have to have oversight earlier in a research program.

Now, the Under Secretary tells me that in the new research programs he is going to try to have a cost cap or some kind of effectiveness so that they measure it, benchmarks of some sort so that they can measure these earlier.

We may have to adjust this in conference if this amendment doesn't pass, but I ask the Members to vote ''no'' on this amendment, and we will see what we can work out. The program has already spent $1 billion, and we ought to get something out of it.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Acting Chair announced that the nos appeared to have it.

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

It is now in order to consider amendments printed in part B of House Report 111–233.

PART B AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 1 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhanced Navy Shore Readiness Integration.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Let me just state, since the gentleman wouldn't yield time at the end of his statement for me to ask, with the last earmark amendment I had, the only information we have from the committee says that the money is to go to Mexico for a program in Mexico, for radios for Mexico. Afghanistan was never mentioned. If it is covered, we don't know that.

But when the Appropriations Committee takes 18 minutes to mark up the bill and then brings it to the floor and then the chairman of the subcommittee won't answer a question about it, to just say, Well, it's for Afghanistan as well, that doesn't help with this process at all. And I think that will be the pattern today, whether to simply reserve time and then not yield any so we can have any kind of colloquy to find out what really is at the heart of these earmarks or what these are really for.

So I hope that changes. I hope we have a real discussion here because we didn't get it in the Appropriations Committee. Remember, 18 minutes to approve a bill unanimously, with more than 1,000 earmarks in it that nobody in the full body had seen, and we only got a copy of days before the bill came out. Eighteen minutes.

Anyway, this amendment would prohibit $5 million from going to fund Enhanced Navy Shore Readiness Integration. The earmark is going to Concurrent Technologies. Now, most people who have been following this process will know that name and know it well because Concurrent has drawn considerable attention due to its proclivity for earmarks. According to Taxpayers for Common Sense, Concurrent received more than $200 million in earmarks between 2001 and 2006.

Concurrent technically is a nonprofit organization, with revenues in the hundreds of millions of dollars. And it is receiving earmark after earmark after earmark after earmark, although questions are raised all over the place. According to the Center for Responsive Politics, Concurrent Technologies' employees have donated more than $113,000 to current members of the House Defense Appropriations Subcommittee since 1998.

Let me just use a chart here. This chart kind of explains the phenomenon that we will see over and over and over again. And with every earmark amendment I am offering today, this pattern exists where Members of Congress will earmark dollars; the earmark spending goes to the earmark recipient; the earmark recipient will then turn around; and lobbying firms representing the earmark recipient, PACs there, executives from the lobbying firm, executives from the company itself, contribute handsomely to Members of Congress, and it recycles again and again and again. Circular fund-raising, that's what we're talking about here.

Now, I will point out that when Members of Congress request an earmark, they are forced to sign a certification letter saying that they have no financial interest. This kind of circular fund-raising is not illegal, and that's not what I'm alleging at all. But is it right? And should we, as Members of Congress, tolerate it again and again and again when these companies like Concurrent Technologies are in the news for having problems explaining what they've done with the earmark money that they've received again and again? And here we go saying, Now we have transparency and accountability, and we've changed the earmark process, and yet here we are again appropriating more money through an earmark to Concurrent Technologies.

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

Mr. DICKS. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I reserve my time.

Mr. FLAKE. Mr. Chairman, when we were discussing earmarks earlier in the appropriation cycle, one Member defending his earmark came to the floor and said he was getting an earmark for a university. Based on things I've read in the papers, this college does not have a lobbyist, either a Federal or State lobbyist. No one from the school has donated to my campaign; nothing at the school is named after me or is proposed to be named after me. To my knowledge, the school has never received an earmark of any sort from the Federal Government prior to this.

I would ask the gentleman, the sponsor of the earmark, if he can make the same statement with regard to this earmark. Have moneys come back from the recipient of the earmark?

And I would yield him time to do so.

□ 1115

Mr. DICKS. Mr. Chairman, I reserved my time and I will answer this on my own time.

Mr. FLAKE. Roll Call has noted that PMA, and we will get to another PMA earmark a little later, has been—well, let me step back just a bit. Sunlight Foundation has noted that Concurrent Technologies paid PMA $320,000 in lobbying fees in 2008 and received more than $14 million in earmarks sponsored by five Members, including the sponsor of this amendment. This signifies an impressive 4,463 percent return on investment. It's no wonder this process of circular fund-raising continues.

According to the Center for Responsive Politics, the sponsor of this earmark is reportedly among the five top recipients of PMA contributions. Roll Call noted that PMA has been the largest source of campaign contributions since 2001 and PMA and its client have

provided the sponsor of this earmark with nearly $200,000 in campaign contributions since 2001.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. FLAKE.

In addressing my colleagues, I want to begin by clarifying what the funds designated for Enhanced Navy Shore Readiness Integration are directed to.

Several years ago the Navy adopted a significantly different approach to managing all of its installations on U.S. soil. The commander of Navy Installations Command operates an $8 billion enterprise for the Nation. Now, you can imagine that when making changes in such a vast enterprise, its leaders want to explore innovative options; but they need to carefully evaluate ideas to find the best ones. They also need to test out an idea as a pilot project, and that's exactly what happened here.

The Concurrent Technologies Corporation is a nonprofit. In fact, they just had a competitive bid which they won a few months ago. They do great work for the United States Navy. The Navy often matches the money that Congress puts up because the work is of such high quality. And this company is located in Bremerton, Washington, one of its branch offices. They do great work for Navy Region Northwest.

I don't have anything named after me. My family has no interest in this in any way, shape, or form. This is a good, solid program; and this company this year has no one representing it. It doesn't have a lobbying firm. Well, the gentleman wants to make various insinuations, but I still funded it because it was quality work. It was work that was meritorious. And Congress has the right to do this.

Congress also has the right to review national programs. National programs should be considered by Congress. We can either increase the funding for them or decrease the funding for them. We have the right to do that. Congress has the power of the purse, and we can't give it away because it's in the Constitution. And this is an important issue.

Now, all I can tell my colleagues here is that this is a good operation in Bremerton. They're doing fine work for the United States Navy, and I urge a ''no'' vote.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 258 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 258 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 258 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC.____. None of the funds provided in this Act shall be available for Reduced Manning Situational Awareness.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, before I get to the substance of the amendment, if people out there want to know why members of the Appropriations Committee, and particularly the Defense Subcommittee, are loathe to talk about these earmarks and to talk about this process and why the markup in the full committee took a full 18 minutes, this might explain it.

If you look here to the left of this chart, 33 percent of the dollar value of the earmarks in the Defense Appropriations bill go to just under 4 percent of the Members of this body. One-twenty-fifth of the Members in this body take home 33 percent of the earmarked dollars in this appropriations bill. So I don't blame them for wanting to get through this quickly, for having an 18-minute markup where nobody really talks about anything; you just shove it on through and it's a unanimous vote. If you want to know why, here it is.

But this Congress, the rest of the body, the rank-and-file Members who aren't on that committee ought to be concerned, particularly when over and over again there are press stories that are unflattering about what happens when earmarks go in this fashion. The Washington Post's top story above the fold today is another one, talking about how Members are loathe to get rid of these pork projects in the bill or these earmarks.

So I would submit that if anybody out there is wondering why this process goes so quickly and Members are so disinclined to debate, why not? If you can do it, do it. If 4 percent of the Members in this body can take home 24 percent of the earmarks, that's a pretty good gig. But the rest of us ought to be concerned, and I think the country is concerned, certainly the press is reporting that there is an issue there.

This amendment would remove $5 million for funding for the Reduced Manning Situational Awareness program. According to the sponsor of this program, it's a command and control system with smart sensors, 3–D visualization, video analytics, and bandwidth management.

I'm not here to argue the merits of the program. I frankly don't have much knowledge in that area. But what we see here again is an earmark going to a private company. Sometimes Members will say, I'm just working for my district; I'm just getting earmarks for economic development in my district. In this case the company is not even located in the sponsor's district.

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

Mr. YOUNG of Florida. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I am not going to talk about the amendment because the gentleman has conceded that the program it would fund is essential to force protection, and that is the case.

But I think the point that I want to make is there has been a lot of misleading information suggested here, not necessarily intentionally and I don't think with any attempt to besmirch anyone's character. We have heard on the cap-and-trade bill ''read the bill.'' We have heard on the health bill, if we ever see one, ''read the bill.'' And I agree with all of that. We ought to be reading the bills.

I don't think my friend from Arizona has read this bill, and it is not nearly as big as the cap-and-trade bill was or the health bill will be. But had he read the bill, he would have found on page 113, section 8115(a) that it says: ''Those which are considered congressional earmarks for purposes of rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition.''

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

Mr. FLAKE. Mr. Chairman, I'm glad the gentleman brought up this phrase in the bill that it should be opened to full competition. The reason for the earmark is to get around competition. We all know that. Now we can have language in the bill that requires that. But I had a meeting with some Defense Department procurement officials and the Comptroller General a while ago, and I asked the Defense Department officials, What is your process with these earmarks? And they said, We subject them to full competition, basically except when we don't. So I asked them, Can you do a random sample of earmarks in the 2009 or 2008 Defense bill and come back to me and let me know how many went to the intended recipient for the earmark?

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield.

Mr. DICKS. The gentleman obviously hasn't read the bill because it's in the bill that you have to compete these projects if it is done by a for-profit

company. Congress has passed a law saying you have to compete these. So the gentleman is wrong in so many ways, but on this one you are really wrong.

Mr. FLAKE. I thank the gentleman for trying to clarify that. But I would submit that that is the process that the Defense Department says that they follow now. So they will take this language and say that's what we do already, except when we don't. And when they don't subject it to full competition, they simply issue what's called a J&A. And the J&A is the justification for why that earmark was not subject to competition.

I have asked for months and months and months, and I'm still waiting for some of those J&As. But we know with uncanny precision these earmarks end up with the intended recipient and simply putting in language in here, which my guess is will be taken out in the Senate anyway, though it doesn't mean much in the first place, it will not likely survive the Senate; but if it does, the Defense Department will say we do that anyway.

If it's subject to full competition, the gentleman mentioned with Concurrent Technologies that they had won in open competition for another pot of money. Well, great. If they're so good, why do we have to earmark money for them? Why don't we say compete on your own like everybody else? That is the purpose of these earmarks, to get around competition. That is the purpose of it. So to say, well, we inserted language in it and that will solve it all, it simply doesn't because the Defense Department knows who butters their bread. They know that they need to follow with uncanny precision the intended recipient.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 315 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 315 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Body Armor Improved Ballistic Protection, Research and Development.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, let me just finish the thought I had before.

President Bush a couple of years ago said that earmarks that end up in the report language and not in the bill itself, like these earmarks, that he would instruct the Federal agencies to ignore them and to simply openly compete contracts out there. This Appropriations Committee inserted language after the President did that and said that the President or the Federal agencies should have to follow the language in the report even though it wasn't legislative language.

So if we're all keen on competition here, why in the world, until the public started to focus on it, did we instruct the Federal agencies and say you have to take the language that's in the report as if it were law?

Anyway, let's get to this amendment.

This amendment would remove $2.2 million in funding for KDH Defense, for a Body Armor Improved Ballistic Protection.

I have not come here to debate the merits of the earmark. Again, I'm not an expert in improved ballistic protection defense. But I should say again I think people in our military are and the Pentagon is and that they should probably make this decision rather than a single Member of Congress.

As reported by Roll Call earlier this week, KDH Defense has received millions in earmarks to produce an underwater swimmer detection sonar system for the Navy to be used to protect its docks and ships. KDH's expertise lies in sewing bulletproof vests, but reportedly this earmark project was the first product to be delivered by KDH Electronic Systems, a startup company affiliated with KDH.

After several years and a series of botched agreements with subcontractors, KDH has yet to deliver this product. Based on the statements made by the president of KDH, it doesn't appear as though they ever will. And yet we are here today again ready to provide KDH with millions more in taxpayer dollars.

I would ask why are we doing this when we already have information that some of the individuals or companies that will be associated with this earmark haven't exactly done well in the past, haven't produced what they said they would, in some cases have little expertise in the area that they say they do in order to get the earmark?

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

□ 1130

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, again, here we have the same pattern of circular fund-raising. Again, I am not alleging any illegal activity here. This is legal. It is unfortunate, but it is legal for Members to sign a certification that they have no financial interest in the earmark. But our same Ethics Committee issues guidance to the Members saying campaign contributions do not necessarily reflect or constitute financial interest.

That, I would submit, Mr. Chairman, is the wrong approach, and we are going to continue to see story after story where earmark recipients simply don't have the capability or the inclination to deliver on the product that they said they would deliver on, and yet they still continue, even in this environment with investigations swirling around all over, to receive these same earmarks.

By now, my colleagues are familiar with the PMA scandal that has plagued this body for months. There is an investigation, at least they are looking into it, we are told, by our own Ethics Committee here.

I am unconvinced that the PMA scandal will be the last scandal we see in this body. I am convinced that there will be earmarks that we approve today that later investigation will determine were not aboveboard, that these companies receiving these earmarks simply weren't delivering, because we have seen that again and again and again, and yet we go through this same process as if nothing were amiss.

I reserve the balance of my time.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, an editorial in The New York Times, entitled ''Political Animal 101,'' referred to the ''relationship between campaign dollars and the customized appropriations they are fed by grateful lawmakers'' as ''the ultimate in symbiotic survival and cynical influence trading.''

That is The New York Times. There have been editorials in the Washington Post. They have been in Roll Call and The Hill and just about everywhere. The mainstream media has done a great job investigating this and showing that this process leaves a lot to be desired.

Again, it doesn't have to be illegal to be something that Members of this body should stand up and say, you know, our House should have a higher standard here. We ought to have a higher standard than whether we can survive an investigation going on by the Justice Department right now, that we ought to leave some confidence with the public that we are doing things right here. And I would submit when you have more than 1,000 earmarks, more than 500 of which represent no-bid contracts to private companies like this one, then we have got a problem.

I urge support of the amendment.

The Acting CHAIR. The gentleman's time has expired.

Mr. MURTHA. Let me read again to the gentleman from Arizona. ''With respect to the list of specific programs, projects and activities contained in the tables entitled Explanation of Project Level Adjustment in the report of the Committee on Appropriations of the House of Representatives, those which are considered Congressional earmarks for purpose of rule XXI of the House of Representatives, when awarded for a profit entity, shall be awarded under full and open competition.''

Now, let me tell you, you talk about old awards. KDH was awarded on 14 July 2090, a competitive $39.4 million contract for 65,000 vests for the Army and Air Force. They must be doing a good job or they wouldn't have been made that award.

I went to Iraq. They were short—would the gentleman, I know the staff has a lot of information for him, but I would like him to listen to what I am saying.

I went to Iraq and I found with the First Division a 44,000 shortage of armor. The biggest complaint I get from the troops in the field—I don't know how often you visit the field, Mr. FLAKE. I don't know how often you come to the people that do this work.

When I go in the factories, their sons and daughters are working in this place. They love the work that they do. They know they are doing work that is under very specific guidelines set by the government.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members to address their remarks in debate to the Chair.

Mr. MURTHA. You are absolutely right. I am sorry, Mr. Chairman.

Mr. Chairman, I want you to know that when I go to visit these plants and I see these people working, whose sons and daughters are fighting, they know how important these vests are. They know how important the work that they do is for the Defense Department.

I remember 20 years ago when I brought defense companies into my district and I had 24 percent unemployment. We didn't have the specifications. We didn't have any small business that could do the work. We didn't get any awards. Once we learned the ISOs, once we were able to perfect it, once we were able to compete—the people of my district are hardworking—we got the unemployment down to below the national level and diversified the economy.

All I can do is bring people in. I can't direct them where to do the business of the Defense Department. They do it on their own. They are the ones that award the contracts. I visit those plants and I see those hardworking people. I see what they do for this great country. Not only the troops serving in Iraq and Afghanistan, but the public who work in these defense organizations do everything they can to help this great country.

We put money into the budget. We have an obligation to take care of our district. We have an obligation to take care of this great country. And the people working in my district work hard.

I visit these plants and these bases all the time. I visit the troops and I ask them, What are your biggest problems? The biggest problem is employment, Mr. Chairman. The biggest problem is the fact that the vests are too heavy for Afghanistan. They are working on trying to get vests that aren't so heavy.

I just went out to the hospital the other day. I don't know how often Mr. FLAKE goes to the hospital. I am sure he goes quite often. Every week he probably goes to the hospital. But I will tell you this. I go to the hospital.

I saw a young fellow who was wounded two years ago. His organs were outside of his body for 10 days. He had a bag for about 6 months. He got rid of the bag. They did another operation.

This goes on continuously. Nobody has done more work for the medical profession, putting earmarks in for breast cancer, ovarian cancer, all of those things, because we feel so strongly about it.

We want a great defense in this country, and the people working in the defense industry do a great job. We don't appropriate this money for anybody except the people that do the work, and if they do the work, they are awarded the contracts. And they are competitive contracts, and it is very clear in our bill, and it doesn't come out of the bill. It has been in title X of the bill ever since I can remember. They have to be competitive if they are pro-profit.

With that, I yield back the balance of my time and ask for a ''no'' vote on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

PART B AMENDMENT NO. 389 OFFERED BY FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 389 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 389 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. __. None of the funds provided in this Act shall be available for Gulf Range Mobile Instrumentation Capability.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I want to respond a little to what the chairman of the Defense Subcommittee said.

He mentioned some of the horrible things that are happening in Iraq and Afghanistan. I have attended funerals myself of members who were killed by an IED or some other measure out there that they need greater protection from. But that is not what we are talking about here.

The reason we are here and the reason I offered the last amendment is it is going to a firm that, according to press reports, doesn't have the expertise to do what they intend to do and in the past have not delivered on the promises that were made before.

We see stories again and again and again on that same theme, that earmarks go to such companies. In fact, there is a trial going on, I believe, right now in Florida where an earmark recipient has pled guilty, I believe, to distributing earmark money to contractors who had no intention of following through and delivering on the contract. That is why we are here.

So we can talk all we want about the needs of our troops in the field, and that is why I am offering these, because this money should be going to our troops in the field. Instead, it is being bled off, in some cases, according to press reports, to companies who don't know enough about what they are doing to receive the earmark. But they are getting an earmark and getting around competition despite the language in this year's bill which claims that these will be subject to free and open competition.

This particular amendment, Mr. Chairman, would remove $3 million from funding for a Gulf Range Mobile Instrumentation Capability project. Again, I am here not knowing the specifics of the technology here, but I would submit that there are people in the Defense Department that perhaps might know better than some Members. And in this case, I would think that the chairman of the Defense Subcommittee would concede that we shouldn't be giving money to companies that have been implicated, at least it has been alleged, that they are under investigation.

The Wall Street Journal reviewed real estate records and reported that many of the facilities that ProLogic, the recipient of this earmark, uses are partly owned by the family of the CEO, and ProLogic pays the CEO monthly rent that is higher than prevailing local rates. ProLogic was also subpoenaed in a broader Federal investigation into earmarks going to West Virginia, where ProLogic is headquartered.

The Wall Street Journal also noted that four of ProLogic's six facilities were located in the congressional districts of senior members of the House Appropriations Committee. CBS News reported that ProLogic has spent more than $880,000 lobbying and contributed more than $400,000 to congressional campaigns.

I should note this company has denied allegations of wrongdoing and the status of the investigation is currently unknown.

But here we have a company that press reports say is either under investigation or cooperating with an investigation, and we are still giving it an earmark, a no-bid contract. Despite what is said about this will be open to free and open competition, we are giving them an earmark and saying this company at this address should get this money.

I just don't see where this connects with the speech about the needs of our men and women in the military. Again, I will stipulate, we need to make sure that our men and women are armed, that they have force protection, that they have the arms and everything else they need. And that is why I am so against this process that we have here, because we bleed off money that should be going to our military into companies, through no-bid contracts, who in too many cases simply aren't doing the work that they were contracted to do.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I will claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I don't know about the company and the concerns that Mr. FLAKE has about the company. I don't even know the company, but I know the issue and I know the needs for the Eglin Range. The Air Force and the Navy use the eastern part of the Gulf of Mexico for just tremendous amounts of training.

Members will recall that during the debates over oil drilling and drilling for natural gas and doing other kinds of commercial activities in the eastern Gulf of Mexico, we always protected the Gulf of Mexico east of the military mission line because it was so critical to training for our national defense, to train those pilots and those people who are on seaborne missions, to train them so, if they do have to go into harm's way, they will have the proper training.

This is for range sensors to help with the training of those military training programs of the Air Force and Navy. If you recall, the debate was very, very aggressive on that issue, and the Congress on numerous occasions agreed that we had to protect the eastern Gulf of Mexico so that we were free to use those areas for training.

Now, I am not going to vote for this amendment. The interesting thing here is, I think, if Mr. FLAKE were a member of the Armed Services Committee or the Appropriations Committee, he would have a better knowledge of how that works. He may never have even heard of what we call unfunded requirements. He may never have heard of witnesses coming to testify before these committees on the issue of the request by the administration for appropriations and then giving you and giving the members of the committees a list of unfunded requirements, things that they need that were not included by OMB in the budget request.

The Members that have been here for a while might remember that when I first became chairman of this subcommittee, I identified every unfunded requirement that I could and I put it on a scroll and we rolled it across the front of this Chamber so people, Members, could see what the military said they needed but didn't have in the budget request.

I will give you one example. In talking about bombers at a particular hearing some years ago, an Air Force officer said to me, You know, these bombers are really important, but you guys aren't paying attention to something else really important.

I said, Tell us about it. What are you talking about?

□ 1145

He said, do you know that the tugs that we use to pull the bombers out of the hangars to take them out to the runway, we don't have enough? And so, if we have a large mission, we have bombers and aircraft waiting in line to get a tug to pull them out. Well, that's an unfunded requirement, and the committee tries to take care of those unfunded requirements. The Defense Department, under the language that I read earlier, must compete, no matter what the bill says, no matter what the report says about where the committee thinks that the work ought to go, the Defense Department has to compete it.

Now, I don't know how much more transparency we can give to Mr. FLAKE if the projects are competed. But I agree with him. If someone, some company is not doing the job properly, then they ought to be investigated, and they ought to be taken off the list of contractors. In fact, in my own district I had a request for an earmark in this year's bill, and the Inspector General decided to pay that company a visit to see about something. I'm not even sure what it was about because they keep these investigations pretty secret.

But I pulled the request for that earmark until we work it out, until we find out what happened here, what went wrong, what are they investigating. And I think we ought to do that. And I don't think we ought to be providing contracts to anyone who hasn't treated the public trust properly. So Mr. FLAKE and I aren't totally in disagreement, but we're in disagreement on this amendment because that Eastern Gulf of Mexico range that is so important to training Air Force and Navy pilots especially, and seaborne vehicles, is very, very important, and those sensors are part of that training.

I yield back my time.

Mr. FLAKE. I would disagree with the gentleman. I think we're in total agreement on this amendment. CBS News reported ProLogics businesses are getting a lot of attention, a lot of it from the FBI, which is investigating whether it diverted public money for its own private profit. This company is reported to be under investigation. And so should we be giving it an earmark?

The gentleman mentioned that he doesn't know the company. But this we do know; that this company, it's reported by CBS and by others, that it is under investigation, and we're giving an earmark. So when the gentleman says that he thinks that we are in agreement that we shouldn't give earmarks to companies that it's alleged that there's some impropriety going on, I would submit that that's what we have here, according to the press. And unless we know completely that they're clean and doing good work, then we shouldn't give them an earmark. We should instead say to the Department of Defense: you decide. The gentleman mentioned that he doesn't know the company. Does he know if this company is the only company that can provide these services outlined?

Mr. MILLER of Florida. Mr. Chair, I rise in opposition to the amendment.

I stand in vigorous support of my request for a Gulf Range Mobile Instrumentation Capability. This capability will convey enormous long-term benefits and provide weapons systems in a cost effective manner on time.

DISTRICT INTRODUCTION

For those of you that don't know, I represent the First District of Florida, which is home to Eglin Air Force Base, Air Force Special Operations Command, Naval Air Stations Pensacola and Whiting Field, Corry Station, which hosts the Center for Information Dominance and is the proud future home of the Joint Strike Fighter.

ARGUMENT/JUSTIFICATION

The project fufills a critical need. Specifically at Eglin Air Force Base, the 46th Range Group has a need for a capability for remote test, collection, storage and relay of various types of data. This capability can be accomplished with a Gulf Range Mobile Instrumentation Capability. This capability is needed to support test events which occur over large geographic areas on both land and sea. Examples of this testing includes Live, Virtual, Constructive test events, large footprint weapons testing, Directed Energy testing, and hypersonic testing.

This capability does not exist because there is a shortfall across this nation in both adequate range space and instrumentation to realistically test today's long-range stand-off weapons. This problem is expanding with the enhanced performance of weapons in development. The Eglin range remains one of the only locations to test these weapons over its enormous land and water area. The instrumentation shortfalls can and should be addressed today. This project would develop mobile data acquisition capabilities to address the need for cost efficient operations involving remote areas with multiple ranges across the nation. As a simple example, extending a datalink, much like a wireless network, over 150 nautical miles into the Gulf would greatly support test operations. Test professionals need this capability and it will help ensure that our defense test and evaluation capabilities field cost-effective systems.

Developmental test and evaluation brings new capabilities to the battlefield and saves lives. I have had the opportunity to watch some of the magnificent testing conducted on the Eglin range. The 46th Test Wing completed testing last year on the small diameter

bomb and it is now being employed for F–15E Strike Eagles in Afghanistan because it offers unique low-collateral damage capability. This testing could be expedited and improved with the instrumentation capability we are discussing now. Future weapons testing includes Tomahawk, Joint Direct Attack Munition, Non-Line of Sight-Launch System, and continued testing of the Small Diameter Bomb. These programs will all benefit from increased safety, shorter tests, and a better product. In the end, this will convey benefits to Military activities across the nation, as we eventually link geographically separate ranges.

The T&E infrastructure, whether administered by a military service or by a Defense Department entity, continues to be a target for budget cuts year after year. In a recent letter I sent to the Secretary of Defense, and the Undersecretary of Defense for Acquisition, Technology, and Logistics, I questioned why the 2010 funding for Test and Evaluation is $57.9 million below last year's level and noted that such a lack of funding could negatively impact numerous critical Department of Defense programs.

Five senators, including Senator MARTINEZ and Senator NELSON, recently sent a letter to Chairman INOUYE and Senator COCHRAN identifying two Test and Evaluation budget shortfalls in the FY2010 Budget. In fact, Congress created the Director of Test Resource Management in 2003 and in conjunction with the Director of Operational Test and Evaluation, the DTRMC is supposed to be afforded the opportunity to certify each military service's budget every year before it is submitted to Congress. Due to the new Administration and different budget submission timelines, the DTRMC was not able to certify the services' budgets for the Fiscal Year 2010 submission. In the wake of acquisition reform, the Administration must fund areas that contribute to long-term cost savings.

I am looking forward to seeing the contributions of the Gulf Range Mobile Instrumentation Capability to future weapon systems. This capability is a critical need because a shortage exists across the nation of adequate instrumentation systems. However, investments in test and evaluation infrastructure provide magnified benefits because they affect so many weapon systems. The right test resources provide weapon systems on time, in a cost-effective manner.

Mr. FLAKE. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 432 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 432 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 432 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Low Profile EARS Gunshot Localization System.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Just in reference to the last amendment, let me finish my thought there. Here we have, and the ranking minority member on the subcommittee concedes that we shouldn't be giving an earmark to a company if there's allegations out there that they're not doing the job that they're supposed to do, or that there's some cloud hanging over, I would assume. And yet that's what this earmark is for.

And so I seem to hear that, yeah, that we shouldn't do that and that my amendment would be agreed to. But all I heard were noes when my amendment was offered. So I would hope that when it comes time to vote, that Members will say, you know, regardless of everything else, perhaps if it's reported that a company is under investigation, perhaps we shouldn't be giving it an earmark until that's cleared up. And so I would hope that that's remembered when it comes time to vote later this day.

This amendment would strike $1.5 million from the Ultra Low Profile EARS Gunshot Localization System. According to the sponsor's Web site, funding for this localization will produce a completely covert detection system which will enhance situational awareness and survivability of our military.

Mr. Chairman, this sounds like a worthwhile project. Even though the military did not request it, it may be something that we will ultimately benefit from. But why are we earmarking funds again here for a private, for-profit company that will not have to compete, regardless of the language that's in the House bill—that will likely not survive the Senate anyway, but which complies with regulations that the Defense Department says they already have about competition?

According to the sponsor's Web site, Planning Systems, Incorporated, will be the recipient of these funds. What's not included is justification for use of taxpayer dollars to an entity that the receiving entity of these funds was a client of now-defunct PMA Group. We're all familiar, all too familiar with the PMA Group. The PMA Group, and the companies it represented, donated more than $270,000 to the sponsor of this earmark in the 2008 cycle alone. Collectively, employees of the PMA Group and its clients have contributed nearly $1 million to the sponsor since 1998.

According to the Center for Responsive Politics, this earmark sponsor was the third-highest recipient of contributions from PMA since 1998. And that's not all. The recipient of this earmark, Planning Systems, Incorporated, has contributed more than $35,000 to the campaign of the sponsor of this earmark, again, according to the Center for Responsive Politics.

Again, there is nothing in our House rules that prohibit this. I'm not alleging that there are. But I'm saying that we have to stop this process of circular fund-raising. It just looks too bad outside of this body when we have a process where Members of Congress will earmark spending to an earmark recipient, and that earmark recipient, through its employees, through a PAC, through its lobbyists or through its executives, will contribute very handsomely back to the Member of Congress' campaign committee.

There is no other way to look at this outside of this body, I would say, than to say we shouldn't be doing that, particularly in a process where we're told that there are more than 1,000 earmarks in the bill, just days before the bill comes to the floor, and we know that 552 of those earmarks are no-bid contracts to private companies like this one.

I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MORAN of Virginia. I rise in opposition to the amendment. I thank the gentleman from Arizona for his conscientious scrutiny, particularly of the appropriations process. I trust perhaps some day he will look at the tax process, the Tax Code, which many of your colleagues are very much aware, has far more earmarks of greater amount. But in deference to the gentleman's concern, again, I would underscore the fact that in this appropriations bill, we make clear, in legislation, that when there is an earmark awarded to a for-profit entity, it shall be awarded under full and open competition.

Now, that's legislative language. It's not intent or report language. It's the law. I appreciate the fact that the gentleman has raised this earmark because otherwise no attention would be given to it since it represents about 1/1000 of 1 percent of the entire bill, a very small amount, $1.5 million.

Normally it would go without notice. But fortunately, the gentleman has raised it, so it gives me an opportunity to explain what it does. And it is quite true that Mr. Alan Friedman's firm, who is a terrific person, CEO, and scientist, was represented by PMA, which, in fact, is located in my Congressional district. And I'm proud to have their support, frankly, because they too were conscientious in making sure that

their earmarks were fully investigated, vetted, and competitively bid. And, in fact, for the last three straight years, this system was competitively bid and won.

What this system is is called the SWAT system. It is very strongly supported by our military because it saves lives. What it does is to enable people, special operations primarily, and intelligence assets, that are in denied territory, and I don't need to go into detail any further than that, to find out exactly where gunshots are coming from, how far away, and how many snipers there are. And it's worked exceptionally well.

What Mr. Friedman does with this small amount of money is to address one problem with this system, which is that it's bulky. It's very visible. It has radars, and so it's too easily detected by the enemy so, to some extent, our people can be an easier target as a result. What this does is to make this system virtually invisible. And for $1.5 million it's going to save hundreds of lives in our expectation; that's why we are more than confident that when it is competitively bid, which is required by this legislation, it will win this bid.

If the gentleman was actually to look at this system, he, even, would vote to include the money in this bill to ensure this system is available for our military in some of the roughest, most dangerous terrain, so as to save their lives.

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

Mr. FLAKE. I would simply ask, and maybe when he has his time back, to explain why, if it was open to competition in the last 3 years, why we had to earmark it this year.

The gentleman made the point that's been made again, that these have to be subject to fair and open competition. Let me say again, the Defense Department has said that all along. For years they've said the same thing. We subject these earmarks to full and open competition, but that doesn't stop Members of Congress. As soon as this bill is passed today, there will be a flurry of press releases, I guarantee it, where Members will say, I was successful in securing funding for this particular program. And if it's open to competition, how do you know that you've secured funding?

Let me just read from a couple of the press releases in the past:

I was pleased to secure funding to assist these small businesses in Prince George's County working on projects that will benefit our Nation's military and the safety of our troops.

That was somebody who knows the process pretty well. It's the majority leader. He put out a press release as soon as legislation was passed, not waiting for the competition that supposedly comes when the project gets to the Defense Department. And like I said, tomorrow you'll see a round of those same press releases: I was able to secure funds, because Members know, with uncanny precision, the Defense Department will follow these earmarks.

I would say, again, with this particular earmark it sounds like a great program. The sponsor of the earmark indicated that this was open to competition in the last couple of years. That's great. Why do we have to earmark it this year?

I yield back the balance of my time.

□ 1200

Mr. MORAN of Virginia. May I inquire how much time I have, Mr. Chairman.

The Acting CHAIR. The gentleman has 2½ minutes.

Mr. MORAN of Virginia. Mr. Chairman, again, in case it wasn't fully understood—this may resolve the gentleman's concern.

In the legislation, it says, again, that all earmarks, when awarded to a for-profit entity, shall be awarded under full and open competition.

I can't stress that enough.

Now, to address the gentleman's concern, first of all, I've never made a press announcement about this. In fact, truth be known, I haven't talked to Mr. Friedman for probably a year, and I certainly didn't even let him know that this earmark was in. It was in because we checked with military personnel, vetted it, and found that this was a system that was a substantial improvement over what the military is currently using, which is called the SMART System. This is the EARS System. These are acronyms. This, as I explained, will be a much safer, less visible system that will protect lives.

Now, Mr. Friedman is no longer represented by PMA, and I haven't had contact with him. The fact is, at least in quite some time, this has been in here because of the merits of the project. It's only $1.5 million, but it is highly meritorious. That's why it is in.

I grant you I know about it because it takes place, the work is done, in my congressional district. It also represents jobs, but they're not simply jobs for the sake of keeping people employed; they're jobs to protect our military and civilian personnel in the most dangerous terrain and in the most dangerous places on the planet. That's what this does for $1.5 million.

Now, again, I have enormous respect for the people in the Pentagon, but they don't always move with blazing speed when they are making a change from one system to another. Oftentimes, you go with the status quo. Even though there are deficiencies, it is the easiest thing. What this does and the reason we put many of these earmarks in is that it adds a new level of technology to do a better job of accomplishing its underlying purpose.

With that, I again thank the gentleman for raising this issue.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 439 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. HOLDEN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 439 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AARGM Counter Air Defense Future Capabilities.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $2.5 million from being directed to Alliant Tech Systems, or ATK, for AARGM Counter Air Defense Future Capabilities.

According to ATK's Web site, AARGM is a supersonic, medium-range, air-launched tactical missile used by the U.S. and by allied forces. The sponsor's Web site and certification letter state that the funds directed to this project in the bill would enable ATK to continue to demonstrate improvements to AARGM, particularly at longer ranges.

Now, here again, I am not going to argue the merits of the problem; neither are most of us here. It's possible that ATK's missile system is the best one out there, but we don't know that. I would suggest that nobody in this body knows that, not even the sponsor of the earmark.

We don't know that because there is no way the Appropriations Committee thoroughly vetted each of the 1,102 earmarked projects in this bill during its 18-minute markup. We don't know that because Members of Congress, in general, don't have the kind of expertise required to make that determination.

In cases like these, when we're determining the kind of missiles that best work for our Armed Forces, it seems to me that the decision is best made by experts at the Department of Defense. Once that determination is made, just like with any other procurement, the contract to make these missiles ought to be competitively bid through the DOD.

But as is the case with nearly 550 of these earmarks, we have a handpicked private company being handed Federal funds for a project based solely on the discretion of one Member of Congress. This is a no-bid contract. This alone

should be troubling enough, but there is an additional facet.

I mentioned the problem with circular fundraising that has been detailed by so many media organizations out there. It's getting tiring reading these stories every day. The Associated Press reported that an ongoing FBI investigation is ''highlighting the close ties between special interest spending provisions, known as earmarks, and the raising of campaign cash.''

As I mentioned, in every one of the individual earmarks that we're discussing today, there are examples of funding going to the earmark recipient, and then the executives from the company, their lobbyists and the PACs are contributing large amounts of campaign dollars back to the sponsors of the earmark. That simply doesn't look right. It may be legal. It is.

Our Ethics Committee has said that you can get campaign contributions in close proximity to earmarks; but Members of this body, I would think, would want to have a higher standard here. We ought to say, you know, maybe we don't know exactly the kind of missile systems that ought to be used. We ought to leave that to those with a little more expertise instead of giving a no-bid contract to a private company which happens to be in the district or doesn't but which is simply willing to provide a lot of campaign contributions.

So I would say, Mr. Chairman, we have to stop this process. We have to say we can no longer afford to award no-bid contracts to private companies, as we have done in the past, regardless of the language that is inserted which says that all of these have to be subject to competition.

We know how it works in the Defense Department because they say now, over the past several years, these have to be subject to competition. Yet, time and time again, when you look, there is an uncanny alignment between the earmark recipient designated by the sponsor of the earmark and the company that eventually gets the dollars.

I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, again, I would say we can no longer continue to give no-bid contracts to private companies. I would say, as I mentioned, that for those who say we have language now in the bill—and I would certainly yield time to the gentleman, to the chairman of the Subcommittee on Defense—I would hope that he would agree, if they really believe in this language and that if the Senate knocks the language out, that we will not agree to a conference report that has these no-bid contracts in it.

If that is the case, if we are so willing to believe that this language actually has any force—and I don't believe it does because the Defense Department already says that they subject these earmarks to full competition—for those who are placing so much stock in this language, I would assume that they agree so strongly and that they will say these are going to be subject to competition. If the Senate strikes that language out, I would like to hear from those here that the House will also nullify those no-bid contracts, because we have designated who those recipients should be.

I yield back the balance of my time.

Mr. MURTHA. Let me read to the gentleman, Mr. Chairman:

''With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition.''

This amendment would prohibit $2.5 million for AARGM Counter Air Defense Future Capabilities. Now, I know that Members of Congress represent their districts. I know that Arizona gets $9.7 billion in defense. I'm sure that this Member is not worried about the fact that some of this money may go someplace else. I know that's not his reason for this. It's $9.7 billion. It's fifth in the number of defense industries throughout the country. Let me tell the Chair a story:

When I first took over the committee in 1989, I looked at one of the projects that the Navy was working on. They made consoles for all of the ships in the Navy, and they were paid $850,000 for those consoles. We said, You've got to compete them. We had probably 25 to 30 hearings that year. We had 51 trips that we sent the troops on, which is the same as we had this year. We had 37 hearings this year, and we had hundreds and hundreds of meetings.

This one particular program was called the Q–70. We forced them to compete it, and it's a very interesting thing. The Navy went to the Air Force and said, Look, we want you to buy this particular program, and we'll buy it from you. This is so they wouldn't have to compete. Well, the staff found out about it; and in the end, that didn't work and they competed.

That particular console now costs $125,000 per unit. We've saved over $1 billion. They happen to make that in my district. Some people would say that was an earmark. We saved over $1 billion in one contract. On another submarine torpedo contract, we saved over a half a billion dollars.

So small business is the backbone of industry in this country. All the growth has been in small business. These folks are working diligently. They pay taxes. They go home every day, and they know how important it is to do good work. They meet super-specifications from the military. They complain all the time that the specifications are too tough and that competition is too tough.

The first time that I brought defense companies to my district, I had 24 percent unemployment, and we couldn't get any business out of them because none of my companies knew how to do defense work. Now, in Arizona, they obviously know how to do defense work. They've got $9.7 billion worth of business in Arizona. Pennsylvania is not even on the list for the amount of defense work. That's embarrassing with all of the troops that we send. We send more National Guard members to Iraq and Afghanistan than any other National Guard unit in the country. I've lost 19 people in my congressional district, so I feel very strongly about this.

Small business is the backbone. These people that I visit are working hard. They know how tough it is. They know that they meet the specifications, and they bid on these contracts, and they win these contracts, and I'm proud to represent them. With that, I ask for a ''no'' vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 449 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 449 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC.____. None of the funds provided in this Act shall be available for AN/SLQ–25D Integration.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $8 million from being directed to Argon ST, which is a private systems engineering and development company headquartered in Fairfax, Virginia.

The sponsor's Web site and certification letters say that the funding

from this earmark would be used to upgrade current naval torpedo defense capabilities that would enhance ship survivability against the modern threat of a torpedo attack.

This isn't the first time that this company has received Federal funding for a project. This project, itself, received two earmarks, totaling $8.7 million in 2007, and $7.5 million was also allocated to such a system in 2006.

The FEC records indicate that, since 2006, employees of the earmark recipient, Argon ST, have donated more than $47,000 in campaign contributions to the sponsor of the earmark. According to the Center for Responsive Politics, the Argonne PAC made $23,000 in donations to the sponsor's campaign and to his leadership PAC in the 2008 election cycle.

□ 1215

According to the FEC, this represented more than a third of all donations of Argon's PAC made during the election cycle. In addition, during the 2008 cycle, Argon ST was reported to be the second highest contributor to the earmark sponsor's PAC. The funding for this earmark may very well be vital to national defense or it may not be. We just don't know here, I would suggest. But the earmarking system is so opaque that the purposes and justifications for more than 1,100 earmarks in this bill are a mystery to just about everyone.

Again, the committee took a whole 18 minutes to accept this bill on to the floor with a unanimous vote. Had this earmark been closely examined, it would have been revealed that this earmark recipient acquired Coherent Systems in 2007. Coherent Systems' former president and CEO now faces Federal charges for soliciting kickbacks from a defense contractor.

Argon ST is cooperating with Federal authorities in the investigation and is not facing any charges. But in the wake of the Abramoff scandal and the burgeoning PMA scandals, I would simply ask whether Congress should be providing no-bid contracts to private companies involved in Federal investigations. I would submit that it should not.

There is more than $2.7 billion in earmark spending in this bill. We've had less than 2 weeks to go over 1,100 earmarks that comprise this spending. We simply can't continue to do this.

I know the Member will stand up and say these have to be competed out. And I will again ask the Member, and I will actually yield him the rest of my time, if he will stand and say that if the Senate removes this language that requires open competition, if then we will then remove these no-bid contracts.

And I will yield to the gentleman for that. He doesn't have to take my time. He can take his own.

Again, what I am asking is if the Senate removes the language that Members put, I think, too much stock in because the Defense Department says they already subject these contracts to full and open competition, but if the Senate should remove that language, will the Members of this body remove the no-bid contracts, 552 of them, I believe, from the bill.

And I would yield for an answer.

I yield back my time.

Mr. MURTHA. Let me read again to the Chair.

"With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition."

In this particular case, this company is doing very well. Reuters gave them a very high rating. But what we look at is the people that work in those places, the awarding of these contracts, the fact that the Defense Department has such high levels of specification that they insist on.

When you go to a defense company, they have all kinds of things that are added that are not true in most places, and small business is the best you can get at doing this kind of work.

During World War II, we produced 83,000 airplanes in 1 year during 1943, 30,000 tanks. There were some abuses, I'm sure. Today, we don't have that capacity. What we worry about, if we don't have small business doing this, it's going to go overseas, and if it goes overseas, we're going to lose those businesses, we'll lose the ability. We continually put "buy American" in our provisions, and it turns out that it still goes overseas. Much of the airplane parts are built overseas. Much of the parts—if we weren't careful, some of the body armor would be built overseas because some of the companies would be cheaper.

So we insist they be built in this country. We insist Americans do it. And those Americans are so proud of the work that they do, they have Americans flags there. They have pictures of the troops. They have letters from the troops about how proud of the work they are doing, and the government checks continually to make sure they're doing that kind of work, and they meet those specifications.

With that, I would ask for a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 553 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated number 553 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 553 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the following projects:

Account	Project	Amount
AP,N	Crane Integrated Defensive Electronic Countermeasures Depot Capability.	$2,000,000
DPA	Low Cost Military Global Positioning System (GPS) Receiver.	$4,000,000
OM,A	TRANSIM Driver Training.	$3,500,000
OM,AF	Joint Aircrew Combined System Tester (JCAST).	$2,000,000
OM,ARNG	Multi-Jurisdictional Counter-Drug Task Force Training.	$3,500,000
OM,N	Enhanced Navy Shore Readiness Integration.	$5,000,000
OP,A	Ft. Bragg Range 74 Combined Arms Collective Training Facility.	$1,000,000
OP,A	Laser Marksmanship Training System.	$2,000,000
OP,A	Machine Gun Training System for the Pennsylvania National Guard.	$3,000,000
OP,A	Multi-Temperature Refrigerated Container System.	$3,500,000
OP,A	Radio Personality Modules for SINCGARS Test Sets.	$3,000,000
P,MC	Portable Military Radio Communications Test Set.	$1,500,000
PANMC	Enhanced Laser Guided Training Round.	$4,500,000
RDTE,A	Advanced Composite Armor for Force Protection.	$2,000,000

Account	Project	Amount
RDTE,A	Advanced Composite Research for Vehicles.	$5,000,000
RDTE,A	AN/ALQ 211 Networked EW Controller.	$1,000,000
RDTE,A	Army Vehicle Condition Based Maintenance.	$5,000,000
RDTE,A	Defense Support for Civil Authorities for Key Resource Protection.	$1,000,000
RDTE,A	Dermal Matrix Research.	$2,000,000
RDTE,A	Effects Based Operations Decision Support Services.	$2,000,000
RDTE,A	Eye-Safe Standoff Fusion Detection of CBE Threats.	$2,500,000
RDTE,A	Fire Shield	$4,000,000
RDTE,A	Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.	$3,500,000
RDTE,A	Heavy Fuel Engine Family for Unmanned Systems.	$4,000,000
RDTE,A	Highlander Electro-Optical Sensors.	$2,000,000
RDTE,A	Hostile Fire Indicator for Aircraft.	$2,000,000
RDTE,A	Javelin Warhead Improvement Program.	$5,000,000
RDTE,A	Joint Precision AirDrop Systems-Wind Profiling Portable Radar.	$2,300,000
RDTE,A	Lightweight Metal Alloy Foam for Armor.	$4,000,000
RDTE,A	Mobile Integrated Diagnostic and Data Analysis.	$2,000,000
RDTE,A	Nanotechnology for Potable Water and Waste Treatment.	$2,000,000
RDTE,A	Rapid Response Force Projection Systems.	$2,000,000
RDTE,A	Reduced Manning Situational Awareness.	$5,000,000
RDTE,A	Remote Bio-Medical Detector.	$3,500,000
RDTE,A	Universal Control.	$2,500,000
RDTE,AF	Advanced Modular Avionics for Operationally Responsive Satellite Use.	$3,100,000
RDTE,AF	Cyber Attack and Security Environment.	$4,000,000
RDTE,AF	Demonstration and Validation of Renewable Energy Technology.	$1,000,000
RDTE,AF	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.	$5,000,000
RDTE,AF	Rivet Joint Services Oriented Architecture.	$2,500,000
RDTE,AF	Senior Scout Communications Intelligence (COMINT) Capability Upgrade.	$3,000,000
RDTE,DW	Gulf Range Mobile Instrumentation Capability.	$3,000,000
RDTE,DW	Hand-held, Lethal Small Unmanned Aircraft System.	$1,000,000
RDTE,DW	Low Cost Stabilized Turret.	$1,000,000
RDTE,DW	Mosaic Camera Technology Transition.	$2,000,000
RDTE,DW	Ultra Low Profile EARS Gunshot Localization System.	$1,500,000
RDTE,DW	United States Special Operations Command—USSOCOM/STAR–TEC Partnership Program.	$2,000,000
RDTE,N	76mm Swarmbuster Capability.	$2,000,000
RDTE,N	Advanced Battery System for Military Avionics Power Systems.	$2,000,000
RDTE,N	Advanced Capability Build 12 and 14.	$2,000,000
RDTE,N	Advanced Composite Manufacturing for Composite High-Speed Boat Design.	$2,000,000
RDTE,N	Advanced Manufacturing for Submarine Bow Domes and Rubber Boots.	$2,000,000
RDTE,N	Air Readiness/Effectiveness Measurement Program.	$2,000,000
RDTE,N	AN/SLQ—25D Integration.	$8,000,000
RDTE,N	Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.	$2,000,000
RDTE,N	Common Command and Control System Module.	$4,000,000
RDTE,N	EP-3E Requirements Capability Migration Systems Integration Lab.	$6,250,000
RDTE,N	High Density Power Conversion and Distribution Equipment.	$1,500,000
RDTE,N	Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.	$2,000,000
RDTE,N	Integrated Advanced Ship Control.	$1,500,000
RDTE,N	Integrated Condition Assessment and Reliability Engineering.	$1,000,000
RDTE,N	Joint Explosive Ordnance Disposal Diver Situational Awareness System.	$2,000,000
RDTE,N	Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.	$4,500,000
RDTE,N	Management of Lung Injury by Micronutrients.	$1,500,000
RDTE,N	Micro-Drive for Future HVAC Systems.	$600,000
RDTE,N	Military Upset Recovery Training.	$1,000,000
RDTE,N	Modular Advanced Vision System.	$2,000,000
RDTE,N	Navy Advanced Threat Simulator.	$2,000,000
RDTE,N	Next Generation Electronic Warfare Simulator.	$2,000,000
RDTE,N	Paragon (Frequency Extension).	$3,000,000
RDTE,N	Persistent Surveillance Wave Powerbuoy System.	$2,000,000

Account	Project	Amount
RDTE,N	Submarine Fatline Vector Sensor Towed Array.	$2,000,000
RDTE,N	Submarine Navigation Decision Aids.	$5,000,000
RDTE,N	Wide Area Sensor Force Protection Targeting.	$2,000,000
RDTE,N(MC) ...	Global Supply Chain Management.	$1,000,000

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, let me note before I start this amendment, again I ask the chairman that if the Senate nullified the language requiring free and open competition, that the House would say, Okay, we will remove these no-bid contracts. I didn't hear an answer to that.

I would suggest that we know full well the Senate will remove that language. I think we put too much stock in the language anyway, but the Senate will surely remove it, because not to remove it might force some Senators to think they might not be able to secure funding for their earmark, and we know that's not going to happen.

So, if we were serious about this language, if we were serious about free and open competition, we wouldn't be earmarking in this fashion. Full stock.

Mr. Chairman, I would ask unanimous consent that this amendment be modified in the form I placed at the desk.

Mr. MURTHA. I object.

The Acting CHAIR. Objection is heard.

Mr. FLAKE. This amendment would prohibit nearly $200 million for more than 70 earmarks for former clients of the PMA Group that would be funded in this bill.

We are now all familiar with the PMA scandal that I think is in the beginning stages and certainly not the end. PMA Group was a prominent lobbying firm that specialized in obtaining defense earmarks for its clients, whose offices were recently raided by the FBI, according to The Hill, as part of a Federal investigation into politically corrupt—potentially corrupt political contributions. The lobbying firm has ceased operations and shuttered its political action committee, but not before, according to The New York Times, leaving a detailed blueprint of how the political money churn works in Congress.

PMA is emblematic of the troubling circular fund-raising that's become entrenched in the current earmarking process. CQ Today noted that the firm has charged $107 million in lobbying fees from 2000 to 2008. Safe to say, the PMA Group was associated with showering Members of Congress with campaign cash.

According to the Center for Responsive Politics, since 1998, the firm and its clients have given $40.3 million total to the candidate committees and leadership PACs of 514 lawmakers, nearly every Member of the current Congress. The Center also reported that members of the Defense Appropriations Subcommittee have collected nearly $1 million in campaign cash since 1998 from PMA employees and the firm's PAC. If you include contributions from employees and PACs of the parent companies and subsidiaries of PMA clients, the total jumps to nearly $8 million over the last decade.

In review of the 2008 PMA earmarks, the Sunlight Foundation noted that 40 organizations whose sole lobbyist was PMA had an average return on their lobbying fee investment of more than 2,700 percent. Clients of the firm received at least $300 million worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news that the FBI raided the firm's office and the justice investigation into the firm was well known. That was earlier this year.

The omnibus spending bill that we approved in January, had money for PMA clients in there just weeks after it was revealed that the PMA's offices had been raided, and we still didn't scrub them out. I would submit if we're not going to do it then, when would we do it?

I believe there are 70 earmarks in this bill for former clients of PMA. And we have had several privileged resolutions, of which I think at one count 29 members of the majority party, and nearly all members of the majority party, agreed that we should have the ethics committee look into the relationship between PMA and campaign dollars that have come to this Congress.

I reserve the balance of my time.

Mr. MURTHA. I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. FLAKE. I would yield the remainder of my time to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I rise in support of this amendment. Coming from Illinois, we know the pace and timing of a Federal investigation. I think it's fairly clear that PMA and several principals will now be indicted.

To protect this House and to protect the Appropriations Committee, I think having a strategic pause in the spending of this money is necessary. It's clear that PMA and its key folks with so many Federal resources now dedicated to this investigation are going to face Federal criminal prosecution.

So to protect this House, this is a wise amendment to put forward to make sure that we can be beyond reproach. As someone who comes from Governor Blagojevich's State and already knows how Federal prosecutions and work goes forward, so many resources have been put forward on this case already that it is clear that an indictment is coming forward. And to protect this House, I think we should adopt the amendment.

Mr. MURTHA. I rise in opposition to the amendment. Let me read to the House again—the one Member keeps mentioning over and over again the same thing I'm going to mention.

''With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XX1 of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition.

As I mentioned, I hope that there is no Member that's trying to protect their own Defense money—$9.7 billion in Arizona—that this is not the reason that there is opposition to these things.

But I don't say that under any circumstances. One thing I say is we put money in for projects. We don't put it in because of any one Representative.

Last year—this PMA is defunct, and this year, we've put the projects in that we thought were worthwhile, not because they're from a Representative, because they don't represent them any more. Those projects are in the budget because Members, themselves, thought they were good projects.

And with that, I ask a ''no'' on the amendment.

Mr. FRANKS of Arizona. Mr. Chair, my voting record has consistently demonstrated my support for a full investigation of The PMA Group, its lobbying activities, and the relationship between Member budget requests and campaign contributions by the House Committee on Standards of Official Conduct. I also publicly maintain that all budget requests that The PMA Group lobbied on behalf of should not be funded by the taxpayers. I intend to vote "aye" on this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

EN BLOC AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an en bloc amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendments en bloc consisting of all the amendments printed in part B of House Report 111–233 offered by Mr. FLAKE:

AMENDMENT NO. 1

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhanced Navy Shore Readiness Integration.

AMENDMENT NO. 2

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Army CH–47 Helicopter Forward and Aft Hook Project.

AMENDMENT NO. 3

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Army National Guard UH–60 Rewiring Program.

AMENDMENT NO. 4

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Internal Auxiliary Fuel Tank system.

AMENDMENT NO. 5

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a C–130 Active Noise Cancellation System.

AMENDMENT NO. 6

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Civil Air Patrol.

AMENDMENT NO. 7

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Large Aircraft Podded Infrared Countermeasures Systems for Air Force Reserve KC–135.

AMENDMENT NO. 8

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Skills Management Command Portal.

AMENDMENT NO. 9

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the AN/AAR–47D(V)X Missile Warning System.

AMENDMENT NO. 10

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Crane Integrated Defensive Electronic Countermeasures Depot Capability.

AMENDMENT NO. 11

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Universal Avionics Recorder Wireless Flight Download Data.

AMENDMENT NO. 12

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Composite Operational Health and Occupational Risk Tracking System.

AMENDMENT NO. 13

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Armor and Structures Transformation Initiative-Steel to Titanium.

AMENDMENT NO. 14

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Flexible Aerogel Materials Supplier Initiative.

AMENDMENT NO. 15

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the High Performance Thermal Battery Infrastructure Project.

AMENDMENT NO. 16

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Aluminum Oxy-Nitride and Spinel Optical Ceramics.

AMENDMENT NO. 17

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Inventory for Defense Applications.

AMENDMENT NO. 18

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Cost Military Global Positioning System (GPS) Receiver.

AMENDMENT NO. 19

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Metal Injection Molding Technological Improvements.

AMENDMENT NO. 20

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Navy Production Capacity Improvement Project.

AMENDMENT NO. 21

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Radiation Hardened Cryogenic Read Out Integrated Circuits.

AMENDMENT NO. 22

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Counter-Threat Finance—Global.

AMENDMENT NO. 23

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air-Supported Temper Tent.

AMENDMENT NO. 24

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the New Jersey Technology Center.

AMENDMENT NO. 25

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronics and Personal Cooling.

AMENDMENT NO. 26

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Anti-Corrosion Nanotechnology Solutions for Logistics.

AMENDMENT NO. 27

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army Force Generation Synchronization Tool.

AMENDMENT NO. 28

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Logistics Operating System.

AMENDMENT NO. 29

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Fort Benning National Incident Management System Compliant Installation Operations Center.

AMENDMENT NO. 30

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Ground Combat System Knowledge Center and Technical Inspection Data Capture.

AMENDMENT NO. 31

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Initiative to Increase Minority Participation in Defense.

AMENDMENT NO. 32

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Logistics Interoperability.

AMENDMENT NO. 33

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an M24 Sniper Weapons System Upgrade.

AMENDMENT NO. 34

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Modular Command Post Tent.

AMENDMENT NO. 35

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Secure Remote Monitoring Systems.

AMENDMENT NO. 36

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Military Lens System Fabrication and Assembly.

AMENDMENT NO. 37

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Net-Centric Decision Support Environment Sense and Respond Logistics.

AMENDMENT NO. 38

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Operational/Technical Training Validation for Joint Maneuver Forces at Fort Bliss.

AMENDMENT NO. 39

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for TRANSIM Driver Training.

AMENDMENT NO. 40

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Leak Proof Drip Pans.

AMENDMENT NO. 41

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Autonomous Robotic Inspections for Aging Aircraft.

AMENDMENT NO. 42

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Engine Health Management Plus Data Repository Center.

AMENDMENT NO. 43

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Aircrew Combined System Tester (JACST).

AMENDMENT NO. 44

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvement.

AMENDMENT NO. 45

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Interoperability Coordinated Operations and Training Exercise.

AMENDMENT NO. 46

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army National Guard M939A2 Repower Program.

AMENDMENT NO. 47

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-Jurisdictional Counter-Drug Task Force Training.

AMENDMENT NO. 48

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Leak Proof Drip Pans.

AMENDMENT NO. 49

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Climate Protection System.

AMENDMENT NO. 50

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an LSD–41/49 Diesel Engine Low Load Upgrade Kit.

AMENDMENT NO. 51

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hydroacoustic Low Frequency Source Generation Systems.

AMENDMENT NO. 52

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Force Protection Boats (Small).

AMENDMENT NO. 53

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Detection Adjunct Processor.

AMENDMENT NO. 54

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Deployable Joint Command and Control Shelter Upgrade Program.

AMENDMENT NO. 55

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Adaptive Diagnostic Electronic Portable Testset.

AMENDMENT NO. 56

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for One AF/One Network Infrastructure for the Pennsylvania National Guard.

AMENDMENT NO. 57

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for One AF/One Network Infrastructure.

AMENDMENT NO. 58

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Aircrew Body Armor and Load Carriage Vest System.

AMENDMENT NO. 59

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air National Guard Joint Threat Emitter—Savannah Combat Readiness Training Centers.

AMENDMENT NO. 60

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Virtual Interactive Combat Environment Training System for the Virginia National Guard.

AMENDMENT NO. 61

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultralight Utility Vehicles for the National Guard.

AMENDMENT NO. 62

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Radio Personality Modules for SINCGARS Test Sets.

AMENDMENT NO. 63

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Temperature Refrigerated Container System.

AMENDMENT NO. 64

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mobile Defensive Fighting Position.

AMENDMENT NO. 65

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Machine Gun Training System for the Pennsylvania National Guard.

AMENDMENT NO. 66

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Marksmanship Training System.

AMENDMENT NO. 67

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Ft. Bragg Range 74 Combined Arms Collective Training Facility.

AMENDMENT NO. 68

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the ATIS Maintenance and Enhancement Program.

AMENDMENT NO. 69

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Lightweight Camouflage Net System (ULCANS).

AMENDMENT NO. 70

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a MGPTS Type III or Rapid Deployable Shelter.

AMENDMENT NO. 71

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Flame Resistant High Performance Apparel.

AMENDMENT NO. 72

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Thorium/Magnesium Excavation—Blue Island.

AMENDMENT NO. 73

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Special Operations Forces Modular Glove System.

AMENDMENT NO. 74

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a WMD Multi-Sensor Response and Infrastructure Project System.

AMENDMENT NO. 75

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Autonomous Sustainment Cargo Container.

AMENDMENT NO. 76

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Atomized Magnesium Domestic Production Design and Development.

AMENDMENT NO. 77

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Army Vehicle Condition Based Maintenance.

AMENDMENT NO. 78

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army Portable Oxygen Concentration System.

AMENDMENT NO. 79

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for ARL 3DE Model-Based Inspection and Scanning.

AMENDMENT NO. 80

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Antioxidant Micronutrient Therapeutic Countermeasures.

AMENDMENT NO. 81

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Anti-Microbial Bone Graft Product.

AMENDMENT NO. 82

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an AN/ALQ 211 Networked EW Controller.

AMENDMENT NO. 83

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Aluminum Armor Project.

AMENDMENT NO. 84

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an All Composite Bus Program.

AMENDMENT NO. 85

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Tactical Laser Flashlight.

AMENDMENT NO. 86

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Reactive Armor Systems.

AMENDMENT NO. 87

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Radar Transceiver IC Development.

AMENDMENT NO. 88

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Rarefaction Weapon Engineered System.

AMENDMENT NO. 89

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Packaging Materials for Combat Rations.

AMENDMENT NO. 90

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Lithium Ion Phosphate Battery System for Army Combat Hybrid HMMWV and Other Army Vehicle Platforms.

AMENDMENT NO. 91

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Lightweight Gunner Protection Kit for Lightweight MRAP Vehicle.

AMENDMENT NO. 92

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Ground EW and Signals Intelligence System.

AMENDMENT NO. 93

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Flexible Solar Photovoltaic Technologies.

AMENDMENT NO. 94

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Field Artillery Tactical Data System.

AMENDMENT NO. 95

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Digital Hydraulic Drive System.

AMENDMENT NO. 96

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Detection of Explosives.

AMENDMENT NO. 97

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Conductivity Program.

AMENDMENT NO. 98

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composites for Light Weight, Low Cost Transportation Systems using a 3+ Ring Extruder.

AMENDMENT NO. 99

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Research for Vehicles.

AMENDMENT NO. 100

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Ammunition Magazine/Mount System.

AMENDMENT NO. 101

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Armor for Force Protection.

AMENDMENT NO. 102

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Carbon Hybrid Battery for Hybrid Electric Vehicles.

AMENDMENT NO. 103

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Bonded Diamond for Optical Applications.

AMENDMENT NO. 104

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Affordable Turbine Engine Program.

AMENDMENT NO. 105

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Acid Alkaline Direct Methanol Fuel Cell.

AMENDMENT NO. 106

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Laser Guided Training Round.

AMENDMENT NO. 107

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Small Caliber Ammunition Production Modernization.

AMENDMENT NO. 108

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Magneto Inductive Remote Activation Munitions System (MI–RAMS) M156/M39 Kits and M40 Receivers.

AMENDMENT NO. 109

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Military Radio Communications Test Set.

AMENDMENT NO. 110

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Armored Wall System.

AMENDMENT NO. 111

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Microclimate Cooling Unit for M1 Abrams Tank.

AMENDMENT NO. 112

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Marine Corps MK 1077 Flatracks.

AMENDMENT NO. 113

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Special Operations Forces Combat Assault Rifle.

AMENDMENT NO. 114

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for SOPMOD II (M4 Carbine Rail System).

AMENDMENT NO. 115

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Light Mobility Vehicle—Internally Transportable Vehicle.

AMENDMENT NO. 116

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ballistic Armor Research.

AMENDMENT NO. 117

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Beneficial Infrastructure for Rotorcraft Risk Reduction.

AMENDMENT NO. 118

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Bio-Printing of Skin for Battlefield Burn Repairs.

AMENDMENT NO. 119

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Blood Safety and Decontamination Technology.

AMENDMENT NO. 120

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Breast Cancer Medical Information Network Decision Support.

AMENDMENT NO. 121

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Brownout Situational Awareness Sensor.

AMENDMENT NO. 122

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Buster/Blacklight UAV Development.

AMENDMENT NO. 123

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Cadmium Emissions Reduction-Letterkenny Army Depot.

AMENDMENT NO. 124

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Capabilities Expansion of Spinel Transparent Armor Manufacturing.

AMENDMENT NO. 125

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Carbide Derived Carbon for Treatment of Combat Related Sepsis.

AMENDMENT NO. 126

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cellular Therapy for Battlefield Wounds.

AMENDMENT NO. 127

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ceramic and MMC Armor Development using Ring Extruder Technology.

AMENDMENT NO. 128

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a CERDEC Integrated Tool Control System.

AMENDMENT NO. 129

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Chronic Tinnitus Treatment Program.

AMENDMENT NO. 130

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Clinical Technology Integration for Military Health.

AMENDMENT NO. 131

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Collagen-Based Wound Dressing.

AMENDMENT NO. 132

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Combat Medic Trainer.

AMENDMENT NO. 133

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Command, Control, Communications Technology.

AMENDMENT NO. 134

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Compact Biothreat Rapid Analysis Concept.

AMENDMENT NO. 135

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Composite Small Main Rotor Blades.

AMENDMENT NO. 136

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Compostable and Recyclable Fiberboard Material for Secondary Packaging.

AMENDMENT NO. 137

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Conversion of Municipal Solid Waste to Renewable Diesel Fuel.

AMENDMENT NO. 138

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Crewmember Alert Display Development Program.

AMENDMENT NO. 139

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Current Force Common Active Protection System Radar.

AMENDMENT NO. 140

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cyber Threat Analytics.

AMENDMENT NO. 141

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Defense Support for Civil Authorities for Key Resource Protection.

AMENDMENT NO. 142

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Defense Support to Civil Authorities Automated Support System.

AMENDMENT NO. 143

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Dermal Matrix Research.

AMENDMENT NO. 144

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Development of Improved Lighter-Weight IED/EFP Armor Solutions.

AMENDMENT NO. 145

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for De-Weighting Military Vehicles through Advanced Composites Manufacturing Technology.

AMENDMENT NO. 146

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Diabetes Care in the Military.

AMENDMENT NO. 147

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Domestic Production of Nanodiamond for Military Applications.

AMENDMENT NO. 148

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Drive System Composite Structural Component Risk Reduction Program.

AMENDMENT NO. 149

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Dual Stage Variable Energy Absorber.

AMENDMENT NO. 150

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Effects Based Operations Decision Support Services.

AMENDMENT NO. 151

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Electric All Terrain Ultra Light Vehicle for the Minnesota National Guard.

AMENDMENT NO. 152

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Electrically Charged Mesh Defense Net Troop Protection System.

AMENDMENT NO. 153

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronic Combat and Counter Terrorism Threat Developments to Support Joint Forces.

AMENDMENT NO. 154

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enabling Optimization of Reactive Armor.

AMENDMENT NO. 155

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhancing the Commercial Joint Mapping Toolkit to Support Tactical Military Operations.

AMENDMENT NO. 156

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Environmentally Intelligent Moisture and Corrosion Control for Concrete.

AMENDMENT NO. 157

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Execution of a Quality Systems Program for FDA Regulation Activities.

AMENDMENT NO. 158

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Extended Duration Silver Wound Dressing-Phase II.

AMENDMENT NO. 159

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Eye-Safe Standoff Fusion Detection of CBE Threats.

AMENDMENT NO. 160

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Field Deployable Hologram Production System.

AMENDMENT NO. 161

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Fire Shield.

AMENDMENT NO. 162

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Flu Vaccine Technology Program.

AMENDMENT NO. 163

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Foil Bearing Supported UAV Engine.

AMENDMENT NO. 164

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Fuel System Component Technology Research.

AMENDMENT NO. 165

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.

AMENDMENT NO. 166

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Fused Silica for Large-Format Transparent Armor.

AMENDMENT NO. 167

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gas Engine Driven Air Conditioning.

AMENDMENT NO. 168

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Geospatial Airship Research Platform.

AMENDMENT NO. 169

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Headborne Energy Analysis and Diagnostic System.

AMENDMENT NO. 170

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Heavy Fuel Engine Family for Unmanned Systems.

AMENDMENT NO. 171

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Strength Glass Production and Qualification for Armor Applications.

AMENDMENT NO. 172

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Highlander Electro-Optical Sensors.

AMENDMENT NO. 173

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High-Volume Manufacturing Development for Thin-film Lithium Stack Battery Technologies.

AMENDMENT NO. 174

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hostile Fire Indicator for Aircraft.

AMENDMENT NO. 175

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Human Organ and Tissue Preservation Technology.

AMENDMENT NO. 176

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Electric Drive All Terrain Vehicle.

AMENDMENT NO. 177

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Electric Heavy Truck Vehicle.

AMENDMENT NO. 178

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improved Thermal Batteries for Guided Munitions.

AMENDMENT NO. 179

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improved Thermal Resistant Nylon for Enhanced Durability and Thermal Protection in Combat Uniforms.

AMENDMENT NO. 180

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Infection Prevention Program for Battlefield Wounds.

AMENDMENT NO. 181

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Infectious and Airborne Pathogen Reduction.

AMENDMENT NO. 182

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Injection Molded Ceramic Body Armor.

AMENDMENT NO. 183

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ink-based Desktop Electronic Material Technology.

AMENDMENT NO. 184

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Defense Technical Information.

AMENDMENT NO. 185

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Family of Test Equipment V6 Product Improvement Program.

AMENDMENT NO. 186

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Lightweight Tracker System.

AMENDMENT NO. 187

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Intelligence, Surveillance and Reconnaissance (ISR) Simulation Integration Laboratory.

AMENDMENT NO. 188

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligent Energy Control Systems.

AMENDMENT NO. 189

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intensive Quenching for Advanced Weapon Systems.

AMENDMENT NO. 190

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Inter Turbine Burner for Turbo Shaft Engines.

AMENDMENT NO. 191

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for IR-Vascular Facial Fingerprinting.

AMENDMENT NO. 192

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an IUID Data Platform.

AMENDMENT NO. 193

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Javelin Warhead Improvement Program.

AMENDMENT NO. 194

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Fires and Effects Trainer System Enhancements.

AMENDMENT NO. 195

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Precision AirDrop Systems-Wind Profiling Portable Radar.

AMENDMENT NO. 196

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Large Format Li-Ion Battery.

AMENDMENT NO. 197

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lens-Less Dual-Mode Micro Seeker for Medium-Caliber Guided Projectiles.

AMENDMENT NO. 198

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight 10-meter Antenna Mast.

AMENDMENT NO. 199

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Magnesium Parts for Military Applications.

AMENDMENT NO. 200

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Metal Alloy Foam for Armor.

AMENDMENT NO. 201

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight Munitions and Surveillance System for Unmanned Air and Ground Vehicles.

AMENDMENT NO. 202

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight Packing System for Enhancing Combat Munitions Logistics.

AMENDMENT NO. 203

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Polymer Designs for Soldier Combat Optics.

AMENDMENT NO. 204

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Protective Roofing.

AMENDMENT NO. 205

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight, Battery Driven, and Battlefield Deployment Ready NG Feeding Tube Cleaner.

AMENDMENT NO. 206

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a LW25 Gun System and Demonstration.

AMENDMENT NO. 207

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an M109A6 Paladin.

AMENDMENT NO. 208

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Medical Biosurveillance and Efficiency Program.

AMENDMENT NO. 209

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Medium Caliber Metal Parts Upgrade.

AMENDMENT NO. 210

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micro Inertial Navigation Unit Technology.

AMENDMENT NO. 211

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micromachined Switches in Support of Transformational Communications Architecture.

AMENDMENT NO. 212

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mid-Infrared Super Continuum Laser.

AMENDMENT NO. 213

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Military Drug Management Center.

AMENDMENT NO. 214

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mobile Integrated Diagnostic and Data Analysis.

AMENDMENT NO. 215

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile Mesh Network Node.

AMENDMENT NO. 216

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile Power 30 kW System Power Control Unit Development Project.

AMENDMENT NO. 217

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Model for Green Laboratories and Clean Rooms.

AMENDMENT NO. 218

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mortar Anti-Personnel/Anti-Material Technology.

AMENDMENT NO. 219

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a MOTS All Sky Imager.

AMENDMENT NO. 220

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-layer Co-extrusion for High Performance Packaging.

AMENDMENT NO. 221

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multiplexed Human Fungal Infection Diagnostics.

AMENDMENT NO. 222

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Nanocrystal Source Display.

AMENDMENT NO. 223

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanofluid Coolants.

AMENDMENT NO. 224

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanotechnology for Potable Water and Water Treatment.

AMENDMENT NO. 225

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Nanotechnology Fuze.

AMENDMENT NO. 226

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanotechnology-Enabled Self-Healing Anti-Corrosion Coating Products.

AMENDMENT NO. 227

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Networked Reliability and Safety Early Evaluation System.

AMENDMENT NO. 228

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Neural Control of External Devices.

AMENDMENT NO. 229

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Communications System.

AMENDMENT NO. 230

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Next Generation Green, Economical and Automated Production of Composite Structures for Aerospace.

AMENDMENT NO. 231

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Wearable Video Capture System.

AMENDMENT NO. 232

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Night Vision and Electronic Sensors Directorate.

AMENDMENT NO. 233

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Non-Leaching Antimicrobial Surface for Orthopedic Devices.

AMENDMENT NO. 234

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Novel Zinc Air Power Sources for Military Applications.

AMENDMENT NO. 235

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an OMNI Active Vibration Control System.

AMENDMENT NO. 236

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optimization of the US Army Topographic Data Management Enterprise.

AMENDMENT NO. 237

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optimizing Natural Language Processing of Open Source Intelligence.

AMENDMENT NO. 238

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Pacific Command Renewable Energy Security Systems.

AMENDMENT NO. 239

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Personal Miniature Thermal Viewer.

AMENDMENT NO. 240

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Personal Status Monitor.

AMENDMENT NO. 241

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Plasma Sterilizer.

AMENDMENT NO. 242

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Polymeric Web Run-Flat Tire Inserts for Convoy Protection.

AMENDMENT NO. 243

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Fuel Cell Power Source.

AMENDMENT NO. 244

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Portable Mobile Emergency Broadband Systems.

AMENDMENT NO. 245

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Sensor for Toxic Gas Detection.

AMENDMENT NO. 246

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Power Efficient Microdisplay Development for US Army Night Vision.

AMENDMENT NO. 247

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Guidance Kit Technology Development.

AMENDMENT NO. 248

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Guided Airdropped Equipment.

AMENDMENT NO. 249

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Predictive Casting Modeling for Rapid Production of Critical Defense Components.

AMENDMENT NO. 250

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Printed and Conformal Electronics for Military Applications.

AMENDMENT NO. 251

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Protein Hydrogel for Surgical Repair of Battlefield Injuries.

AMENDMENT NO. 252

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Qualification and Insertion of New High Temperature Domestic Sourced PES for Military Aircraft.

AMENDMENT NO. 253

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rapid Response Force Projection Systems.

AMENDMENT NO. 254

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rapid Wound Healing Cell Technology.

AMENDMENT NO. 255

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rare Earth Mining Separation and Metal Production.

AMENDMENT NO. 256

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reactive Materials.

AMENDMENT NO. 257

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Recovery, Recycle, and Reuse of DOE Metals for DoD Applications.

AMENDMENT NO. 258

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reduced Manning Situational Awareness.

AMENDMENT NO. 259

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reducing First Responder Casualties with Physiological Monitoring.

AMENDMENT NO. 260

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote Bio-Medical Detector.

AMENDMENT NO. 261

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Scalable Efficient Power for Armament Systems and Vehicles Dual Use.

AMENDMENT NO. 262

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Self Powered Prosthetic Limb Technology.

AMENDMENT NO. 263

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Sensor Tape Physiological Monitoring.

AMENDMENT NO. 264

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Shared Vision.

AMENDMENT NO. 265

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a SHARK Precision Guided Artillery Round—105mm.

AMENDMENT NO. 266

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Silent Watch, IB NPS 1160 Lithium-Ion Advanced Battery.

AMENDMENT NO. 267

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Silver Fox and Manta Unmanned Aerial Systems.

AMENDMENT NO. 268

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Smart Machine Platform Initiative.

AMENDMENT NO. 269

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Smart Oil Sensor.

AMENDMENT NO. 270

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Smart Wound Dressing for MRSA Infected Battlefield Wounds.

AMENDMENT NO. 271

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Soldier Situational Awareness Wristband.

AMENDMENT NO. 272

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Solid Oxide Fuel Cell Powered Tactical Charger.

AMENDMENT NO. 273

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Solid State Process of Titanium Alloys for Advanced Material Armaments.

AMENDMENT NO. 274

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Specialized Compact Automated Mechanical Clearance Platform.

AMENDMENT NO. 275

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Standard Ground Station—Enhancement Program.

AMENDMENT NO. 276

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Superlattice Semiconductors for Mobile SS Lighting and Solar Power Applications.

AMENDMENT NO. 277

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Surveillance Augmentation Vehicle.

AMENDMENT NO. 278

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical Cogeneration System.

AMENDMENT NO. 279

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical Metal Fabrication System (TacFab).

AMENDMENT NO. 280

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Tamper Proof Organic Packaging as Applied to Remote Armament Systems.

AMENDMENT NO. 281

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Technologies for Military Equipment Replenishment.

AMENDMENT NO. 282

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Telepharmacy Robotic Medicine Device Unit.

AMENDMENT NO. 283

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Testing of Microneedle Device for Multiple Applications.

AMENDMENT NO. 284

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tire to Track Transformer System for Light Vehicles.

AMENDMENT NO. 285

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Treatment of Battlefield Spinal Cord and Burn Injuries.

AMENDMENT NO. 286

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Tungsten

Heavy Alloy Penetrator and Warhead Development.

AMENDMENT NO. 287

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Transmission/Gearbox Galvanic Corrosion Reduction.

AMENDMENT NO. 288

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultra Light Metallic Armor.

AMENDMENT NO. 289

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultra Light Weight Transmissions.

AMENDMENT NO. 290

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Universal Control.

AMENDMENT NO. 291

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Unmanned Robotic System Utilizing a Hydrocarbon Fueled Solid Oxide Fuel Cell System.

AMENDMENT NO. 292

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Vanadium Safety Readiness.

AMENDMENT NO. 293

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Video Compression Technology.

AMENDMENT NO. 294

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Voice Recognition and Cross Platform Speech Interface Upgrades.

AMENDMENT NO. 295

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for VTOL Man-Rated UAV and UGV for Medical Multi-Missions and CASEVAC.

AMENDMENT NO. 296

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Waterside Wide Area Tactical Coverage and Homing.

AMENDMENT NO. 297

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wireless HUMS for Condition Based Maintenance of Army Helicopters.

AMENDMENT NO. 298

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Wireless Medical Monitoring System.

AMENDMENT NO. 299

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for 3D Bias Woven Perform Development.

AMENDMENT NO. 300

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Propulsion Non-Tactical Vehicle.

AMENDMENT NO. 301

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Elecromagnetic Location of IEDs Defeat System.

AMENDMENT NO. 302

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Deformable Mirrors for High Energy Laser Weapons.

AMENDMENT NO. 303

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Electronic Components for Sensor Arrays.

AMENDMENT NO. 304

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Lithium Battery Scale-up and Manufacturing.

AMENDMENT NO. 305

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Modular Avionics for Operationally Responsive Satellite Use.

AMENDMENT NO. 306

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Vehicle Propulsion Center.

AMENDMENT NO. 307

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for ALC Logistics Integration Environment.

AMENDMENT NO. 308

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Algae-Derived Jet Fuel for Air Force Applications.

AMENDMENT NO. 309

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AT–6B Demonstration for ANG.

AMENDMENT NO. 310

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for B–1 AESA Radar Operational Utility Evaluation.

AMENDMENT NO. 311

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for B–52 Tactical Data Link Capability.

AMENDMENT NO. 312

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ballistic Missile Technology.

AMENDMENT NO. 313

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a BATMAV Program Miniature Digital Data Link.

AMENDMENT NO. 314

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Big Antennas Small Structures Efficient Tactical UAV.

AMENDMENT NO. 315

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Body Armor Improved Ballistic Protection, Research and Development.

AMENDMENT NO. 316

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Command and Control Service Level Management (C2SLM) Program.

AMENDMENT NO. 317

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Corrosion Detection and Visualization Program.

AMENDMENT NO. 318

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for COTS Technology for Space Command and Control.

AMENDMENT NO. 319

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Cyber Attack and Security Environment.

AMENDMENT NO. 320

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Development and Testing of Advanced Hybrid Rockets for Space Applications.

AMENDMENT NO. 321

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Distributed Mission Interoperability Toolkit (DMIT).

AMENDMENT NO. 322

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Domestic Manufacturing of 45nm Electronics.

AMENDMENT NO. 323

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Efficient Utilization of Transmission Hyperspace.

AMENDMENT NO. 324

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Eglin AFB Range Operations Control Center.

AMENDMENT NO. 325

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Transportable Renal Replacement Therapy for Battlefield Applications.

AMENDMENT NO. 326

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for EMI Grid Fabrication Technology.

AMENDMENT NO. 327

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Florida National Guard Total Force Integration.

AMENDMENT NO. 328

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gallium Nitride (GaN) Microelectronics and Materials.

AMENDMENT NO. 329

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for GAPS/AWS Horizontal Integration.

AMENDMENT NO. 330

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Hawaii Microalgae Biofuel Project.

AMENDMENT NO. 331

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Bandwith, High Energy Storage, Exawatt Laser Glass Development.

AMENDMENT NO. 332

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Energy Li-Ion Technology for Aviation Batteries.

AMENDMENT NO. 333

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High Pressure Pure Air Generator System.

AMENDMENT NO. 334

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hybrid Bearings.

AMENDMENT NO. 335

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hybrid Nanoparticle-based Coolant Technology Development and Manufacturing.

AMENDMENT NO. 336

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Engine Starter/Generator.

AMENDMENT NO. 337

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Propulsion Analysis and Spacecraft Engineering Tools (IPAT/ISET).

AMENDMENT NO. 338

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Large Area, APVT Materials Development for High Power Devices.

AMENDMENT NO. 339

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Laser Peening for Friction Stir Welded Aerospace Structures.

AMENDMENT NO. 340

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.

AMENDMENT NO. 341

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Low-Defect Density Gallium Nitride Materials for High-Performance Electronic Devices.

AMENDMENT NO. 342

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micromachined Switches for Next Generation Modular Satellites.

AMENDMENT NO. 343

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multilingual Text Mining Platform for Intelligence Analysts.

AMENDMENT NO. 344

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-Mode Propulsion Phase IIA; High Performance Green Propellant.

AMENDMENT NO. 345

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Object.

AMENDMENT NO. 346

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Open Source Research Centers.

AMENDMENT NO. 347

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Planar Lightwave Circuit Development for High Power Military Laser Applications.

AMENDMENT NO. 348

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Predator C.

AMENDMENT NO. 349

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Production of Nanocomposites for Aerospace Applications.

AMENDMENT NO. 350

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reconfigurable Secure Computing.

AMENDMENT NO. 351

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rivet Joint Services Oriented Architecture.

AMENDMENT NO. 352

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Senior Scout Communications Intelligence (COMINT) Capability Upgrade.

AMENDMENT NO. 353

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Small Turbofan Versatile Affordable Advanced Turbine Engine Program.

AMENDMENT NO. 354

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Technical Order Modernization Environment.

AMENDMENT NO. 355

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Watchkeeper.

AMENDMENT NO. 356

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Wavelength Agile Spectral Harmonic Oxygen Sensor and Cell-Level Battery Controller.

AMENDMENT NO. 357

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wire Integrity Technology.

AMENDMENT NO. 358

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Battery Technology.

AMENDMENT NO. 359

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Decision Support System.

AMENDMENT NO. 360

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Development of Antiviral Prophylactics and Therapeutics.

AMENDMENT NO. 361

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Technologies Sensors and Payloads/Unattended SIGINT Node.

AMENDMENT NO. 362

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AELED IED/WMD Electronic Signature Detection.

AMENDMENT NO. 363

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Affordable Miniature FOPEN Radar Special operations Craft—Riverine (SOC–R).

AMENDMENT NO. 364

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Affordable Robust Mid-Sized Unmanned Ground Vehicle.

AMENDMENT NO. 365

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the AESA Technology Insertion Program.

AMENDMENT NO. 366

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Control and Video Sensing for Robots.

AMENDMENT NO. 367

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Machine Vision for Mapping and Investigation of Remote Sites.

AMENDMENT NO. 368

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Battle-Proven Packbot.

AMENDMENT NO. 369

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Biometric Optical Surveillance System.

AMENDMENT NO. 370

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Botulinum Neurotoxin Research.

AMENDMENT NO. 371

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Botulinum Toxin Treatment Therapy.

AMENDMENT NO. 372

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Broad Spectrum Therapeutic Countermeasure to OP Nerve Agents.

AMENDMENT NO. 373

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for California Enhanced Defense Small Manufacturing Suppliers Program.

AMENDMENT NO. 374

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Carbon Nanotube Thin Film Near Infrared Detector.

AMENDMENT NO. 375

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Chemical and Biological Resistance Clothing.

AMENDMENT NO. 376

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Chemical and Biological Threat Reduction Coating.

AMENDMENT NO. 377

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Copper-Base Casting Technology Applications.

AMENDMENT NO. 378

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Corrosion Resistant Ultrahigh-Strength Steel for Landing Gear.

AMENDMENT NO. 379

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Covert Waveform for Software Defined Radios.

AMENDMENT NO. 380

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Distributed Network Swtiching and Security.

AMENDMENT NO. 381

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for DLA VetBiz Initiative for National Sustainment.

AMENDMENT NO. 382

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for End to End Semi Fab Alpha Tool.

AMENDMENT NO. 383

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhancement of Geo-location Systems.

AMENDMENT NO. 384

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Environmentally Friendly Nanometal Electroplating Processes for Cadmium and Chromium Replacement.

AMENDMENT NO. 385

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Facility Security Using Tactical Surveys.

AMENDMENT NO. 386

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Flashlight Soldier-to-Soldier Combat Identification System.

AMENDMENT NO. 387

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a GMTI Radar for Class II UAVs.

AMENDMENT NO. 388

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hand-held, Lethal Small Unmanned Aircraft System.

AMENDMENT NO. 389

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gulf Range Mobile Instrumentation Capability.

AMENDMENT NO. 390

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hand-Held Apparatus for Mobile Mapping and Expedited Reporting.

AMENDMENT NO. 391

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for helicopter Cable Warning and Obstacle Avoidance.

AMENDMENT NO. 392

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Accuracy Network Determination System—Intelligent Optical Networks.

AMENDMENT NO. 393

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Speed Optical Interconnects for Next Generation Supercomputing.

AMENDMENT NO. 394

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Power Generating System.

AMENDMENT NO. 395

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for HyperAcute Vaccine Development.

AMENDMENT NO. 396

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improving Support to the Warfighter.

AMENDMENT NO. 397

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Analysis Environment.

AMENDMENT NO. 398

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Rugged Checkpoint Container.

AMENDMENT NO. 399

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligence, Surveillance, and Reconnaissance Global Sensors Architecture (ISR–GSA).

AMENDMENT NO. 400

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Gulf Range Complex Test and Training.

AMENDMENT NO. 401

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Services Aircrew Mask Don/Doff Inflight Upgrade.

AMENDMENT NO. 402

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lifetime Power for Wireless Control Sensors.

AMENDMENT NO. 403

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Cost Stabilized Turret.

AMENDMENT NO. 404

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Material, Design and Fabrication Solutions for Advanced SEAL Delivery System External Structural Components.

AMENDMENT NO. 405

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for MEMS Sensors for Real-Time Sensing of Weaponized Pathogens.

AMENDMENT NO. 406

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Miniature Day Night Sight for Crew Served Weapons.

AMENDMENT NO. 407

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Miniaturized Chemical Detector for Chemical Warfare Protection.

AMENDMENT NO. 408

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mismatch Repair Derived Antibody Medicines to Treat Staphylococcus-derived Bioweapons.

AMENDMENT NO. 409

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Missile Activity and Characteristics—Releasable.

AMENDMENT NO. 410

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Moldable Fabric Armor.

AMENDMENT NO. 411

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mosaic Camera Technology Transition.

AMENDMENT NO. 412

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-target Shipping Container Interrogation System Mobile Continuous Air Monitor.

AMENDMENT NO. 413

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for National Radio Frequency Research, Development and Technology Transfer.

AMENDMENT NO. 414

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optical Surveillance Equipment.

AMENDMENT NO. 415

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Device for Latent Fingerprint Identification.

AMENDMENT NO. 416

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Rapid Bacterial Warfare Detection Unit.

AMENDMENT NO. 417

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Potent Human Monoclonal Antibodies Against BoNT A, B and E Suited for Mass Production and Treatment of Large Populations.

AMENDMENT NO. 418

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Protective Self-Decontaminating Surfaces.

AMENDMENT NO. 419

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Radio Inter-Operability System.

AMENDMENT NO. 420

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reduced Cost Supply Readiness.

AMENDMENT NO. 421

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Regenerative Filtration System for CBRN Defense.

AMENDMENT NO. 422

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote VBIED Detection and Defeat System.

AMENDMENT NO. 423

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Rigid Aeroshell Variable Bouyancy Air Vehicle.

AMENDMENT NO. 424

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Science, Technology, Engineering and Mathematics (STEM) Initiative.

AMENDMENT NO. 425

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Sea Catcher UAS Launch and Recovery System.

AMENDMENT NO. 426

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Secure, Miniaturized, Hybrid, Free Space, Optical Communications.

AMENDMENT NO. 427

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Self-decontaminating Polymer System for Chemical and Biological Warfare Agents.

AMENDMENT NO. 428

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical, Cargo, and Rotary Wing Aircraft Decon.

AMENDMENT NO. 429

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Thermal Pointer/Illuminator for Force Protection.

AMENDMENT NO. 430

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Total Perimeter Surveillance.

AMENDMENT NO. 431

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UAV Directed Energy Weapons Systems Payloads.

AMENDMENT NO. 432

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Low Profile EARS Gunshot Localization System.

AMENDMENT NO. 433

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Under-Vehicle Inspection System.

AMENDMENT NO. 434

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Unified Management Infrastructure System.

AMENDMENT NO. 435

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a United States Special Operations Command—USSOCOM/STAR–TEC Partnership Program.

AMENDMENT NO. 436

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a United States Special Operations Command—SOCRATES High Assurance Platform Program.

AMENDMENT NO. 437

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an X-Band/W-Band Solid State Power Amplifier.

AMENDMENT NO. 438

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a 76mm Swarmbuster Capability.

AMENDMENT NO. 439

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AARGM Counter Air Defense Future Capabilities.

AMENDMENT NO. 440

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Accelerating Fuel Cells Manufacturability.

AMENDMENT NO. 441

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Battery System for Military Avionics Power Systems.

AMENDMENT NO. 442

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Capacity Build 12 and 14.

AMENDMENT NO. 443

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Manufacturing for Composite High-Speed Boat Design.

AMENDMENT NO. 444

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Fuel Filtration System.

AMENDMENT NO. 445

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Logistics Fuel Reformer for Fuel Cells (Phase II).

AMENDMENT NO. 446

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Manufacturing for Submarine Bow Domes and Rubber Boats.

AMENDMENT NO. 447

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Aegis Research and Development.

AMENDMENT NO. 448

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air Readiness/Effectiveness Measurement Program.

AMENDMENT NO. 449

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AN/SLQ–25D Integration.

AMENDMENT NO. 450

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Arc Fault Circuit Breaker with Arc Location.

AMENDMENT NO. 451

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Automated Missile Tracking.

AMENDMENT NO. 452

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.

AMENDMENT NO. 453

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous UUV Delivery and Communication System Integration.

AMENDMENT NO. 454

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Bow Lifting Body Project.

AMENDMENT NO. 455

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Command and Control System Module.

AMENDMENT NO. 456

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Common Digital Sensor Architecture.

AMENDMENT NO. 457

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Safety System Controller.

AMENDMENT NO. 458

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Continuous Active Sonar for Torpedo DCL Systems.

AMENDMENT NO. 459

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cooperative Engagement Capability.

AMENDMENT NO. 460

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Countermine LIDAR UAV-Based Systems.

AMENDMENT NO. 461

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronic Motion Actuation Systems.

AMENDMENT NO. 462

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an EP–3E Requirements Capability Migration Systems Integration Lab.

AMENDMENT NO. 463

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Floating Area Network Littoral Sensor Grid.

AMENDMENT NO. 464

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Flow Path Analysis Tool.

AMENDMENT NO. 465

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gallium Nitride (GaN) Power Technology.

AMENDMENT NO. 466

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an HBCU Applied Research Incubator.

AMENDMENT NO. 467

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Density Power Conversion and Distribution Equipment.

AMENDMENT NO. 468

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High Power Density Motor Drive.

AMENDMENT NO. 469

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Highly Integrated Siloxane Optical Interconnect for Military Avionics.

AMENDMENT NO. 470

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High-Shock 100 Amp Current Limiting Circuit Breaker.

AMENDMENT NO. 471

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High-Temperature Superconductor Trap Field Magnet Motor.

AMENDMENT NO. 472

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.

AMENDMENT NO. 473

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Image-Based Navigation and Precision Targeting.

AMENDMENT NO. 474

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Improved Kinetic Energy Cargo Round.

AMENDMENT NO. 475

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Infrared Materials Laboratory.

AMENDMENT NO. 476

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Advanced Ship Control.

AMENDMENT NO. 477

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Condition Assessment and Reliability Engineering.

AMENDMENT NO. 478

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Power System Power Dense Harmonic Filter Design.

AMENDMENT NO. 479

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Psycho-Social Healthcare Demonstration Project.

AMENDMENT NO. 480

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integration of Advanced Wide Field of View Sensor with Reusable, Reconfigureable Payload Processing Testbed System.

AMENDMENT NO. 481

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligent Retrieval of Imagery.

AMENDMENT NO. 482

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an IP over Power Line Carrier Network Integration with ICAS.

AMENDMENT NO. 483

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Explosive Ordnance Disposal Diver Situational Awareness System.

AMENDMENT NO. 484

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.

AMENDMENT NO. 485

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Kinetic Hydropower System Turbine.

AMENDMENT NO. 486

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Landing Craft Composite Lift Fan.

AMENDMENT NO. 487

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Optimization Remote Lighting System.

AMENDMENT NO. 488

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Phalanx.

AMENDMENT NO. 489

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Composite Structure Development for Aerospace Vehicles.

AMENDMENT NO. 490

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lithium Ion Storage Advancement for Aircraft Applications.

AMENDMENT NO. 491

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Frequency Active Towed Sonar System Organic ASW Capability.

AMENDMENT NO. 492

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Signature Defensive Weapon System for Surface Combatant Craft.

AMENDMENT NO. 493

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Maintenance Free Operating Period.

AMENDMENT NO. 494

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Maintenance Planning and Assessment Technology Insertion.

AMENDMENT NO. 495

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Management of Lung Injury by Micronutrients.

AMENDMENT NO. 496

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Marine Corps Cultural and Language Training Platform.

AMENDMENT NO. 497

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Marine Mammal Awareness, Alert and Response Systems.

AMENDMENT NO. 498

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Marine Mammal Detection System.

AMENDMENT NO. 499

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Micro-Drive for Future HVAC Systems.

AMENDMENT NO. 500

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Military Upset Recovery Training.

AMENDMENT NO. 501

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile, Oxygen, Ventilation and External (MOVES) System.

AMENDMENT NO. 502

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Modular Advanced Vision System.

AMENDMENT NO. 503

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mold-in-Place Coating Development for the U.S. Submarine Fleet.

AMENDMENT NO. 504

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Moving Target Indicator Scout Radar.

AMENDMENT NO. 505

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Mission Unmanned Surface Vessel.

AMENDMENT NO. 506

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a NAVAIR High Fidelity Oceanographic Library.

AMENDMENT NO. 507

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Navy Advanced Threat Simulator.

AMENDMENT NO. 508

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Electronic Warfare Simulator.

AMENDMENT NO. 509

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Scalable Lean Manufacturing Initiative—Phase Two.

AMENDMENT NO. 510

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Shipboard Integrated Power—Fuel Efficiency and Advanced Capability Enhancer.

AMENDMENT NO. 511

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Non Traditional Ballistic Fiber and Fabric Weaving Applications for Force Protection.

AMENDMENT NO. 512

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Open Source Naval and Missile Database Reporting System.

AMENDMENT NO. 513

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Out of Autoclave Composite Processing.

AMENDMENT NO. 514

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Paragon (Frequency Extension).

AMENDMENT NO. 515

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Passive RFID Development.

AMENDMENT NO. 516

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Persistent Autonomous Maritime Surveillance.

AMENDMENT NO. 517

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Persistent Surveillance Wave Powerbuoy System.

AMENDMENT NO. 518

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Photovoltaic Rooftop Systems for Military Housing.

AMENDMENT NO. 519

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Engagement Technologies for Unmanned Systems.

AMENDMENT NO. 520

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Pure Hydrogen Supply from Logistics Fuels.

AMENDMENT NO. 521

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Quiet Drive Advanced Rotary Actuator.

AMENDMENT NO. 522

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Regenerative Fuel Cell Back-up Power.

AMENDMENT NO. 523

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ship Model Testing.

AMENDMENT NO. 524

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Shipboard Wireless Maintenance Assistant.

AMENDMENT NO. 525

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Shipboard Wireless Network.

AMENDMENT NO. 526

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Silicon Carbide Wafer Production—Process Development for Low Defect Power Electronics.

AMENDMENT NO. 527

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for SSBN(X) Systems Development.

AMENDMENT NO. 528

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Submarine Automated Test and Re-Test.

AMENDMENT NO. 529

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine Fatline Vector Sensor Towed Array.

AMENDMENT NO. 530

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Submarine Navigation Decision Aids.

AMENDMENT NO. 531

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine Panoramic Awareness System.

AMENDMENT NO. 532

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine System Biometrics Access Control.

AMENDMENT NO. 533

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical High Speed Anti-Radiation Missile Propulsion Demonstration.

AMENDMENT NO. 534

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Underwater Explosion Modeling and Simulation for Ohio Class Replacement Composite Non-Pressure Hull Fairing.

AMENDMENT NO. 535

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Underwater Explosion Modeling and Simulation for Voyage Repair Team Tool Management.

AMENDMENT NO. 536

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wide Area Sensor Force Protection Targeting.

AMENDMENT NO. 537

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Workforce Requirements Planning—Team Enhancement.

AMENDMENT NO. 538

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for X–49A Envelope Expansion Modifications.

AMENDMENT NO. 539

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Battlefield Sensor Netting.

AMENDMENT NO. 540

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Small Arms Protective Insert.

AMENDMENT NO. 541

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Near Infrared Optical Augmentation System.

AMENDMENT NO. 542

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote Aiming and Sighting Optical Retrofit.

AMENDMENT NO. 543

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Intelligent Graphics Torpedo Test Set Troubleshooting Maintainers Aid.

AMENDMENT NO. 544

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Torpedo P5U Test Equipment Modernization.

AMENDMENT NO. 545

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Life Support for Trauma and Transport.

AMENDMENT NO. 546

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for environmentally Sealed, Ruggedized Avionics Displays.

AMENDMENT NO. 547

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for RDT&E for the Family of Heavy Tactical Vehicles (FHTV).

AMENDMENT NO. 548

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hyper Spectral Sensor for Improved Force Protection.

AMENDMENT NO. 549

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhanced Driver Situational Awareness.

AMENDMENT NO. 550

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Clinical Trial to Investigate Efficacy of Human Skin Substitute.

AMENDMENT NO. 551

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Army/Joint STARS Surveillance and Control Data Link Technology Refresh.

AMENDMENT NO. 552

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the MacDill Air Force Base Online Technology Program.

AMENDMENT NO. 553

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the following projects:

Account	Project	Amount
AP,N	Crane Integrated Defensive Electronic Countermeasures Depot Capability.	$2,000,000
DPA	Low Cost Military Global Positioning System (GPS) Receiver.	$4,000,000
OM,A	TRANSIM Driver Training.	$3,500,000
OM,AF	Joint Aircrew Combined System Tester (JCAST).	$2,000,000
OM,ARNG	Multi-Jurisdictional Counter-Drug Task Force Training.	$3,500,000
OM,N	Enhanced Navy Shore Readiness Integration.	$5,000,000
OP,A	Ft. Bragg Range 74 Combined Arms Collective Training Facility.	$1,000,000
OP,A	Laser Marksmanship Training System.	$2,000,000
OP,A	Machine Gun Training System for the Pennsylvania National Guard.	$3,000,000
OP,A	Multi-Temperature Refrigerated Container System.	$3,500,000
OP,A	Radio Personality Modules for SINCGARS Test Sets.	$3,000,000
P,MC	Portable Military Radio Communications Test Set.	$1,500,000
PANMC	Enhanced Laser Guided Training Round.	$4,500,000
RDTE,A	Advanced Composite Armor for Force Protection.	$2,000,000
RDTE,A	Advanced Composite Research for Vehicles.	$5,000,000
RDTE,A	AN/ALQ 211 Networked EW Controller.	$1,000,000
RDTE,A	Army Vehicle Condition Based Maintenance.	$5,000,000
RDTE,A	Defense Support for Civil Authorities for Key Resource Protection.	$1,000,000
RDTE,A	Dermal Matrix Research.	$2,000,000
RDTE,A	Effects Based Operations Decision Support Services.	$2,000,000
RDTE,A	Eye-Safe Standoff Fusion Detection of CBE Threats.	$2,500,000
RDTE,A	Fire Shield	$4,000,000
RDTE,A	Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.	$3,500,000
RDTE,A	Heavy Fuel Engine Family for Unmanned Systems.	$4,000,000
RDTE,A	Highlander Electro-Optical Sensors.	$2,000,000
RDTE,A	Hostile Fire Indicator for Aircraft.	$2,000,000
RDTE,A	Javelin Warhead Improvement Program.	$5,000,000
RDTE,A	Joint Precision AirDrop Systems-Wind Profiling Portable Radar.	$2,300,000
RDTE,A	Lightweight Metal Alloy Foam for Armor.	$4,000,000
RDTE,A	Mobile Integrated Diagnostic and Data Analysis.	$2,000,000
RDTE,A	Nanotechnology for Potable Water and Waste Treatment.	$2,000,000
RDTE,A	Rapid Response Force Projection Systems.	$2,000,000
RDTE,A	Reduced Manning Situational Awareness.	$5,000,000
RDTE,A	Remote Bio-Medical Detector.	$3,500,000
RDTE,A	Universal Control.	$2,500,000
RDTE,AF	Advanced Modular Avionics for Operationally Responsive Satellite Use.	$3,100,000
RDTE,AF	Cyber Attack and Security Environment.	$4,000,000

Account	Project	Amount
RDTE,AF	Demonstration and Validation of Renewable Energy Technology.	$1,000,000
RDTE,AF	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.	$5,000,000
RDTE,AF	Rivet Joint Services Oriented Architecture.	$2,500,000
RDTE,AF	Senior Scout Communications Intelligence (COMINT) Capability Upgrade.	$3,000,000
RDTE,DW	Gulf Range Mobile Instrumentation Capability.	$3,000,000
RDTE,DW	Hand-held, Lethal Small Unmanned Aircraft System.	$1,000,000
RDTE,DW	Low Cost Stabilized Turret.	$1,000,000
RDTE,DW	Mosaic Camera Technology Transition.	$2,000,000
RDTE,DW	Ultra Low Profile EARS Gunshot Localization System.	$1,500,000
RDTE,DW	United States Special Operations Command—USSOCOM / STAR–TEC Partnership Program.	$2,000,000
RDTE,N	76mm Swarmbuster Capability.	$2,000,000
RDTE,N	Advanced Battery System for Military Avionics Power Systems.	$2,000,000
RDTE,N	Advanced Capability Build 12 and 14.	$2,000,000
RDTE,N	Advanced Composite Manufacturing for Composite High-Speed Boat Design.	$2,000,000
RDTE,N	Advanced Manufacturing for Submarine Bow Domes and Rubber Boots.	$2,000,000
RDTE,N	Air Readiness/ Effectiveness Measurement Program.	$2,000,000
RDTE,N	AN/SLQ–25D Integration.	$8,000,000
RDTE,N	Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.	$2,000,000
RDTE,N	Common Command and Control System Module.	$4,000,000
RDTE,N	EP–3E Requirements Capability Migration Systems Integration Lab.	$6,250,000
RDTE,N	High Density Power Conversion and Distribution Equipment.	$1,500,000
RDTE,N	Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.	$2,000,000
RDTE,N	Integrated Advanced Ship Control.	$1,500,000
RDTE,N	Integrated Condition Assessment and Reliability Engineering.	$1,000,000
RDTE,N	Joint Explosive Ordnance Disposal Diver Situational Awareness System.	$2,000,000
RDTE,N	Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.	$4,500,000
RDTE,N	Management of Lung Injury by Micronutrients.	$1,500,000
RDTE,N	Micro-Drive for Future HVAC Systems.	$600,000
RDTE,N	Military Upset Recovery Training.	$1,000,000
RDTE,N	Modular Advanced Vision System.	$2,000,000
RDTE,N	Navy Advanced Threat Simulator.	$2,000,000
RDTE,N	Next Generation Electronic Warfare Simulator.	$2,000,000
RDTE,N	Paragon (Frequency Extension).	$3,000,000
RDTE,N	Persistent Surveillance Wave Powerbuoy System.	$2,000,000
RDTE,N	Submarine Fatline Vector Sensor Towed Array.	$2,000,000
RDTE,N	Submarine Navigation Decision Aids.	$5,000,000
RDTE,N	Wide Area Sensor Force Protection Targeting.	$2,000,000
RDTE,N(MC)	Global Supply Chain Management.	$1,000,000

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the chairman.

As my colleagues are aware, I submitted 553 amendments to the Rules Committee, each seeking to strike an earmark that was listed by the sponsoring Member as going to a private for-profit earmark—553 amendments. Nearly half of these—I'm sorry. There are 1,102 earmarks representing $2.7 billion. This is not chump change. This is a lot of money going out the door. I'm sorry. I said 553. 552 are listed as going to for-profit companies. If a dollar amount is attached to these earmarks, it's $1.3 billion, comprising nearly half of the earmarked dollars in the bill. I simply do not believe, and I think the country agrees, that we should be doing no-bid contracts for private companies.

As much as the Members on the other side of the aisle, and this side aisle, as much of the members of the Appropriations Subcommittee will say that these are going to be competed out, we know that they won't be.

We had testimony from the Comptroller General's office in the Government Reform Committee. He said there is no automated database that provides insight into the extent of competition achieved on congressional earmarks. I have been trying for literally months to get some insight into this process. And we were told, as I mentioned, we were told we do compete these out, but then when I asked them to do a random sample of earmarks in a prior bill, they came back and confessed that with uncanny precision, these earmarks find their way to the intended recipients.

This process will not change because language has been submitted in this bill just saying they must now be competed. If the Members really believe that statement, then they would agree that if the Senate nullifies that language, that they would strike these no-bid contracts and say that the Defense Department should simply make them all open to competition.

□ 1230

But we know that they're not going to do that because the Members here know the Senate is not going to agree to that language. Even if they did, the Defense Department confesses here: There is no way to really track these,

but with uncanny precision, even though they've had a process that they claim subjects these earmarks to open competition, they aren't subjected to open competition. They know that unless they follow the guidelines in these conference reports that they may not get funding next year.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Washington.

Mr. DICKS. If, in fact, we do wind up competing these projects, which is the intent of our committee, wouldn't the gentleman say that that is a major step forward in correcting his concern, if they were, in fact, competed?

Mr. FLAKE. If they were, in fact, competed, we wouldn't need to earmark them. That's the point. An earmark is a way around competition. We've seen it in other appropriations bills, and it's no different here in defense. You earmark dollars because you want that company, either in your district or out, to be sure to receive that funding. That's why in the certification letters the Members say, This earmark is to go to this recipient at this address.

Mr. DICKS. Will the gentleman yield on that point?

Mr. FLAKE. I yield to the gentleman.

Mr. DICKS. Because, again, the gentleman may not understand the process. It is because that is the company that has made the request of the Member of Congress. The Member of Congress now realizes that it is going to be competed, that it isn't going to necessarily go to that company. I think that is a good reform. I supported it in the Appropriations Committee.

Also, by the way, for the gentleman's knowledge, all of these earmarks, every single earmark, was vetted with the Department of Defense before the committee staff and Members considered those amendments. They were looked at by the Department of Defense.

Mr. FLAKE. Reclaiming my time, I would submit that if it's going to be subjected to competition, there is no reason to name the recipient organization that's to get the earmark.

Mr. DICKS. They're the ones that made the request.

Mr. FLAKE. Excuse me. I have very limited time.

The Acting CHAIR. The gentleman from Arizona controls the time.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Arizona has 45 seconds remaining.

Mr. FLAKE. As I mentioned, I have very little time. I will say that if we believe in that language, then we would agree that if the Senate nullifies it, then we would take out these no-bid contracts. Would the gentleman agree to that?

Mr. DICKS. I think we ought to fight for that language in conference to do the very best we can to prevail and to keep that language.

Mr. FLAKE. I would submit that the gentleman knows full well that the Senate will not retain that language, that that bill will come back to the House without that language, and that we, unless we take a stand here—and we can with this amendment—and simply strike funding for those, if these companies are great—some of them are, I'm sure—then they'll win these contracts. If they're not, they won't. But the Member won't be earmarking and saying, This money needs to go to this company at this address. That is a no-bid contract. That's what the Member is seeking; and that, unfortunately, is what happens when it gets to the Defense Department.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I know that the gentleman from Arizona, who is my friend, listened to the comments that I made when I read from the bill earlier and when others have read from the bill. But I don't think he heard. He listened, but he didn't hear. The intent of this legislation is that any money provided here will be competitively bid.

Now I've gone to the Senate in conference many, many times and have returned so frustrated many, many times. I don't know what the Senate will do on this language or anything else in this bill. But I know if I were a Senator and I was being accused on the floor today, I would be really offended by the fact that he is suggesting that the Senate doesn't want competition. I am not prepared to say that. I think the Senators believe in competition, just like the House.

Mr. FLAKE. Will the gentleman yield?

Mr. YOUNG of Florida. No, I won't. If I have the time, I might; but right now I don't have time.

As we participate in this debate, anyone listening might think that Congress is all a bunch of crooks and that American free enterprise is sneaking in the back door to make money and that the Congress and the Department of Defense are at odds all the time. Well, that's not true. Congress is full of good people. The Defense Department secures our Nation. But they don't have all of the knowledge, and they don't have all of the wisdom. Neither does the administration, neither does the Congress. That's why we work together. I think that's one reason that the drafters of the Constitution included article I, section 9 to say how appropriations should be handled. Now maybe you don't like the way the appropriations are handled. People can make that decision in the House every 2 years. Article I, section 9 says very simply, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.'' Now what that means is, Congress appropriates the people's money. The Constitution—read it thoroughly—does not say that Congress can only appropriate money requested by the administration. It does say that the administration can only spend money that has been appropriated by the Congress. Now if you don't like that, offer a constitutional amendment. Amend the Constitution. But somebody's got to be responsible, and the Constitution makes Congress responsible.

I said that the Pentagon is not the fountain of all knowledge. I will give you a couple of examples of where Congress has insisted, over objection on the part of the Pentagon, for certain types of appropriations. With the leadership of Jerry Lewis who was the chairman of the subcommittee at the time, this subcommittee and the Congress insisted that we buy, produce and deploy unmanned aerial vehicles. We call it the Predator; and next to the American soldier on the ground, al Qaeda fears that Predator more than any other weapon that we have. The Pentagon didn't want it. It was not in any budget request. Congress insisted, and it has become one of the most effective weapons that we have in the war against terror in Iraq and in Afghanistan.

Then on another side of it—not taking out the enemy but saving our own people—without any support from the administration, Congress created something we refer to as the Bone Marrow Transplant Program. It is a lifesaving program that has saved the lives of thousands of people. The administration didn't like it. They just thought we were wasting our time trying to do it, but we did it anyway. They told us we would never develop probably, maybe 50,000 people willing to donate their bone marrow to save the life of another human being, but we prevailed. Today there are over 7 million people in the registry that we created with an earmark that are saving lives every day not only in America but in many countries around the world. We have relationships with 13 other countries where we exchange patients and exchange bone marrow over the oceans to save people's lives, to give them a chance for life. That was a congressional earmark.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

It is now in order to consider amendments printed in part C of House Report 111–233.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have at the desk Campbell amendment No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in title II under the heading ''Operation and Maintenance, Marine Corps'' shall be available for the MGPTS Type III or Rapid Deployable Shelter project, and the amount otherwise provided under such heading is hereby reduced by $3,000,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, this amendment would strike the $3 million earmark for the Rapid Deployable Shelter project, which money would go to Johnson Outdoors Inc. Mr. Chairman, during the debate on the previous earmark, there's been a lot of discussion on all the previous earmarks about how the earmarks say that they are to be competitively bid. I guess the question that I would have is: If, in fact, the earmarks are to be competitively bid, why did the author/sponsor of this earmark send in his certification letter to the ranking member and the chairman of the Appropriations Committee to say, ''The entity to receive funding for this project is Johnson Outdoors Inc., 625 Conklin Road, Binghamton, New York, 13903.''

So I would ask the question of the sponsor: If these are to be competitively bid, how do you reconcile that with the statement that ''the entity to receive funding for this project is''?

Mr. DICKS. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Washington.

Mr. DICKS. I think it's a very simple answer. It's the company that made the request. But that doesn't mean that when there is a competition that this funding is going to necessarily go to that company. But if you want the people to certify that they don't have a financial interest, you've got to put down the name of the company that made the request.

Mr. CAMPBELL. If I can reclaim my time, and I understand—the gentleman from Washington and I have discussed this. Frankly, some day I hope—maybe after this, which is the last appropriations bill—we can sit down and see if we can figure something out here. Because this says, ''The entity to receive the funding for the project is.'' If that's not dispositive, I don't know what is.

Mr. DICKS. We might want to change that language to ''will compete for the project.''

Mr. CAMPBELL. Well, then, don't list the entity. If somebody requested the money, and the expectation is that they're going to get it, then where is the competitive bidding? Shouldn't we just simply say, Here is a project. Here is what it is. There is no name. There is no indication. Let whoever wants to bid for this thing compete for it, and require that there be a minimum of three bidders or the earmark doesn't go out. Because sometimes these things are written to a specific product that perhaps only one company makes.

I understand the gentleman from Washington's point on this, but I hope you understand mine. Mr. Chairman, this is a stain on this House. I don't want to be doing this. We've all got better things to do. There happens to be a recession going on. There are a lot of people out of work. There happens to be a big and legitimate debate about how health care should go forward in this country. We have a lot of things to do. But this has been a stain on this House, these earmarks, particularly the ones on private companies. I don't do any earmarks; and arguably, if I were king, I don't think we should do any in this House at all. I understand the legitimate argument for them, but I absolutely reject any thought or idea that earmarks that go to private entities like this, with a direction to a private entity, are anything but a stain in this House.

Mr. Chairman, there are former Members of this body in jail today because of earmarks to private entities. I wish I could say that there will never be any more, but I don't know that. But the way we won't have any more is if we stop this practice, and we don't do this sort of thing again in the future. This really is about this House and the integrity of this House and the view of the integrity of this House to the outside world, to our constituents, and to the people of the United States.

I would ask a couple of more questions. I am almost out of time. But did the company submit for defense procurement and was turned down, is that why you have this earmark? How did you determine the price, that $3 million is the right price? And will you, as other Members have, commit that you have not received and will not accept campaign contributions from company executives, employees, shareholders or lobbyists on this entity? Other Members on this floor have made that commitment.

With that, Mr. Chairman, I will yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I oppose the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. Mr. Chairman, I just want to make it clear that we're dealing with a situation here which is critically important to military personnel both here in the United States and in many places around the world.

□ 1245

I'm sure that the sponsor of this amendment doesn't realize what it's like not to have a roof over your head, but if you're in the military and you're stationed out in places that are difficult and hazardous to deal with, it's important to have these tents.

The particular entity with which we are focusing attention on in this particular earmark to provide these tents is a company that has done so over and over again in the context of bidding—and bidding successfully—for it. The Army and Marine Corps, just as an example, currently have unmet needs for shelters, and those unmet needs are growing.

This year, the tent and shelter industry was informed by the Marine Corps—just by the Marine Corps—of a need of 9,000 tents. Unfortunately, those real priorities are not resulting in production orders. And the main reason they're not resulting in production orders is due to the way in which the Department of Defense has focused on other things and not dealing with this particular aspect of the needs of military personnel in a number of places, here and in a lot of other places which are dangerous around the world, Iraq, Afghanistan, places like that, for example. So without this stop-gap funding for these shelter programs, our troops could literally be without that roof over their head.

The Defense Logistics Agency had stated that the tent and shelter industry is a critical part of the U.S. defense industrial base, and they did that in the context of a report to the Congress. So supporting this amendment by Mr. CAMPBELL will leave the United States military with a smaller, less competitive, and potentially foreign source of this essential material which is needed by our military personnel.

You're dealing with something that is fundamentally essentially important. And in the context of this particular situation, if we didn't deal with it in this particular way, perhaps these manufacturing operations would come from places outside the United States. There are a lot of people here, apparently, who are opposed to many of the things that we're doing, who are not opposed to having manufacturing activities in other parts of the world and not here.

So this is what we are intending to do, to make sure that the military gets the security, the safety that they need and, at the same time, to ensure in every way that we can that the manufacturing process is done here in the United States so that these jobs are going to be an important part of our dealing with this economic recession, which was put forward over the course of the previous 8 years and is now something that we are dealing with effectively.

So if you're opposed to this earmark, it really doesn't make any sense. If you're opposed to the amendment, that makes perfect sense. And that is exactly what we're doing, for all of the

good reasons that I have stipulated, and that's why this amendment should remain as an important part of this absolutely essential piece of legislation.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 8 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have amendment No. 8 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 8 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in title IV under the heading ''Research, Development, Test and Evaluation, Army'' shall be available for the Model for Green Laboratories and Clean Rooms project, and the amount otherwise provided under such heading is hereby reduced by $1,500,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, first, before I discuss this amendment, I would like to make a comment relative to the gentleman from New York's defense of his earmark before.

If, in fact, these shelters are necessary—and I'm not going to dispute that point with the gentleman, they may in fact be—then why do we not have a designation that the Defense Department shall procure 9,000, 90,000, whatever it is, items of shelter, and they should procure them from a U.S.-based source, and they should do it under competitive bidding and get at least three bids and pick that which is deemed to be the highest quality and the lowest cost? Wouldn't that be an appropriate way to do this?

And that's what I am saying, and I think the gentleman from Arizona before me is saying. We are not here—and certainly I am not here—to say that it is not Congress' right to appropriate funds. It is, in fact, the right, as you have all pointed out, as enumerated in the Constitution. However, there is a right way to do that and there is a wrong way to do that. And with these 552 no-bid, going-to-private-companies earmarks, amounting to $1.3 billion, which if the 18 minutes of debate in committee were spent entirely on the earmarks means that each earmark received 2 seconds of debate, this is not the proper way to do it.

This particular earmark, Mr. Chairman, would strike $1.5 million designated for the Green Laboratories and Clean Rooms project and would reduce the overall funding of the bill by an equivalent amount, and this money is intended to go to Amethyst Technologies. And again, as we have discussed, if this is competitively bid, why does the sponsor's letter, which I have here, of certification of this earmark say, and I quote, ''The contact name and address is Ms. Kimberly Brown, President, Amethyst Technologies, 1450 South Rolling Road, Suite 2041, Baltimore, Maryland, 21227?''

Mr. Chairman, again I would ask—and I don't think I see the author of the earmark—but let me ask someone over there, whoever is going to deal with this, why, again, is only one company listed if it is to be competitively bid?

If there is no response to that, then I guess I would ask, did this company submit this to the Defense Department for procurement? Did this company even try to go to the Defense Department and make their case with those in the military whose job it is to determine what is best for the military?

Mr. TAYLOR. Would the gentleman yield?

Mr. CAMPBELL. I will yield, yes.

Mr. TAYLOR. I want to thank the gentleman. You ask a great question. The reason is, in the 6 years that he was Secretary of Defense, Don Rumsfeld decimated the defense acquisition community, fired tens of thousands of people who would have drawn those drafts and would have put it out for bid. We are trying to reconstitute that community right now.

Mr. CAMPBELL. Reclaiming my time, Donald Rumsfeld is no longer Secretary of Defense, has not been for some time, and there is a different President. We are dealing with appropriations for a fiscal year that begins later this year and goes into 2010.

Look, if you think this is necessary, just don't say it's for this company, that it's $1.5 million. Because another question I would have is, how do you determine the $1.5 million is the right price? What are you getting for $1.5 million, and how do you know you couldn't get the same thing somewhere else for half that?

And I will yield.

Mr. TAYLOR. You are exactly right. Because of the lack of trained professionals, there really isn't anyone in the DOD anymore who can say what something should cost. You don't learn that overnight. Now, we are trying to restore that——

Mr. CAMPBELL. Just reclaiming my time, I'm happy to exchange, but if there's nobody, then isn't that something the Armed Services Committee should be dealing with?

And I would yield.

Mr. TAYLOR. And we are dealing with it.

The other part is, on those major programs, starting with the big ones, whenever we buy something here going forward, we are demanding that when we buy something, we own the technical data package, that from now on we will own the specifications so that——

Mr. CAMPBELL. Reclaiming my time——

Mr. TAYLOR. If we think the contractor is not being fair with us, we can put it out for bid for someone else.

Mr. CAMPBELL. Reclaiming my time, could I inquire as to how much time I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. CAMPBELL. I am going to reserve the balance of my time, and I would ask that the gentleman please continue his argument on his time.

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. CAMPBELL. Mr. Chairman, one other question, one that didn't get answered on the last earmark, and I will ask it again on this particular earmark. I understand the sponsor is not here, but will the sponsor commit, as other people have done on this floor, that he has not received and will not accept campaign contributions from the company, its executives, its stockholders, employees, or lobbyists, or other people who can benefit directly from the earmark? Because, Mr. Chairman, if people won't do that, then as the gentleman from Arizona and others have suggested, that is where, perhaps, we can get in deeper trouble on these sorts of things in the future.

Mr. Chairman, I ask for an ''aye'' vote.

I yield back the balance of my time.

Mr. MURTHA. Mr. Chairman, let me read the policy of the committee. The full committee just brought me the policy which answers the gentleman's question.

Under the policies adopted by the great Appropriations Committee, ''The use of Member earmarks awarded to for-profit entities as a functional equivalent of no-bid contracts is ended.

''In cases where the committee funds an earmark designated for a for-profit entity, the committee includes legislative language requiring the executive branch to nonetheless issue a request for proposal that gives other entities an opportunity to apply and requires the agency to evaluate all bids received and make a decision based on merit. The legislative language included in the bills requires 'full and open competition.'

''This gives the original designee an opportunity to be brought to the attention of the agency, but with the possibility that an alternative entity may be selected.''

Now, let me read to the gentleman, Mr. Chairman: ''With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI''—this is on page 113 of the bill—''when awarded to a for-profit entity, shall be awarded under full and open competition.''

In this particular case, they strike $1.5 million from hospital maintenance and so forth. Nobody, there is no committee in the Congress—the authorizing committees work on different things. We work on making sure that the medical facilities are clean, making sure that they are taken care of. And Mr. BISHOP offers an amendment which wants to make sure that the funding would provide for development, renovation, maintenance, to test the environmental sustainable laboratories, hospitals, and clean rooms for drug development.

I ask for a ''no'' vote.

I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Again, I would remind the gentleman; the gentleman makes the point that we have had a new administration for 6 months. Don Rumsfeld, the guy who said he knew the Iraqis had weapons of mass destruction and he knew they were going to use them, decimated the acquisition force.

Unless you own the specs, you can't put it out for competition. We are in the process, in the Armed Services Committee, of getting the specifications of everything we buy from here on out—something Rumsfeld never did—so that we can have the kind of competition that the gentleman seeks. We are in the process of doing so, starting with the Littoral Combat Ship.

If the gentleman has a question, I would be more than happy to answer it.

Mr. CAMPBELL. Would the gentleman yield?

Mr. TAYLOR. Sure.

Mr. CAMPBELL. Does the gentleman see a problem with doing these in the future without a company name?

Mr. TAYLOR. Again, there will be times when someone who has invented something comes to Congress and says, I have something that is bigger, faster, smaller, faster—whatever the deal is. And if that person says, and by the way, I own the unique rights to this, do you want to buy it from me or not? That first time it makes sense for the Nation to buy it. It also makes sense for the Nation to say, from here on out, when we buy your product, we are buying the specifications with it so we can get it from somebody else in the future.

Mr. CAMPBELL. Will the gentleman yield?

Mr. TAYLOR. Sure.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time and ask for a ''no'' vote.

The Acting CHAIR. The gentleman from Pennsylvania controls the time and he has yielded back his time.

The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–233 on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Mr. MURTHA of Pennsylvania.

Amendment No. 3 printed in part A by Mr. FLAKE of Arizona.

Amendment No. 5 printed in part A by Mr. TIERNEY of Massachusetts.

Amendment No. 1 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 258 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 389 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 432 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 439 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 449 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 553 printed in part B by Mr. FLAKE of Arizona.

Amendments en bloc by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part C by Mr. CAMPBELL of California.

Amendment No. 8 printed in part C by Mr. CAMPBELL of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

□ 1300

PART A AMENDMENT NO. 1 OFFERED BY MR. MURTHA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 165, not voting 5, as follows:

[Roll No. 661]

AYES—269

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
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
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Flake
Foster
Frank (MA)
Fudge
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
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)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—165

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett

Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Velázquez
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—5

Fattah
Hall (NY)
McCarthy (NY)
Norton
Schwartz

□ 1324

Ms. LEE of California, Ms. KOSMAS and Messrs. GOHMERT and KUCINICH changed their vote from ''aye'' to ''no.''

Ms. EDWARDS of Maryland and Mr. ROHRABACHER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Chair, on rollcall No. 661, had I been present, I would have voted "yea."

Ms. NORTON. Mr. Chair, on rollcall No. 661, had I been present, I would have voted "aye."

Stated against:

Mr. TURNER. Mr. Chair, on rollcall No. 661, inadvertently voted "aye", intending to vote "no."

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. JACKSON of Illinois. Mr. Chairman, are these 2-minute votes or 5-minute votes, the series?

The Acting CHAIR. The remaining votes in this series are 2-minute votes.

PART A AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 48, noes 373, not voting 18, as follows:

[Roll No. 662]

AYES—48

Bachmann
Bachus
Barrett (SC)
Bartlett
Boustany
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Coble
Cooper
Deal (GA)
Duncan
Flake
Foster
Foxx
Garrett (NJ)
Halvorson
Hensarling
Herger
Inglis
Jenkins
Kind
Kline (MN)
Lamborn
Linder
Lummis
Marchant
McClintock
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Paul
Petri
Pitts
Price (GA)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Stark
Westmoreland
Wilson (SC)

NOES—373

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
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)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
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
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Berkley
Bishop (GA)
Broun (GA)
Gohmert
Hall (NY)
Hinchey
Israel
Kingston
Lipinski
Lowey
McCarthy (NY)
McDermott
Mollohan
Murphy, Tim
Olver
Pence
Shadegg
Smith (NE)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1328

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TIM MURPHY of Pennsylvania. Mr. Chair, on rollcall No. 662 I was unavoidably

detained. Had I been present, I would have voted "no."

Mr. SMITH of Nebraska. Mr. Chair, on rollcall No. 662 I was unavoidably detained. Had I been present, I would have voted "no."

PART A AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 307, not voting 8, as follows:

[Roll No. 663]

AYES—124

Arcuri
Baldwin
Berman
Biggert
Bishop (NY)
Blumenauer
Bordallo
Boswell
Braley (IA)
Bright
Brown-Waite, Ginny
Capps
Capuano
Carnahan
Castle
Castor (FL)
Chu
Coble
Crowley
Davis (CA)
DeFazio
Delahunt
Doggett
Duncan
Edwards (MD)
Ehlers
Ellsworth
Eshoo
Farr
Filner
Foster
Frank (MA)
Goodlatte
Gordon (TN)
Grijalva
Gutierrez
Halvorson
Hare
Heinrich
Himes
Hodes
Hoekstra
Holt
Honda
Hoyer
Inslee
Israel
Jenkins
Johnson (GA)
Johnson (IL)
Kagen
Kaptur
Kilroy
Kind
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maffei
Markey (MA)
Matheson
Matsui
McCollum
McGovern
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Paul
Payne
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Skelton
Slaughter
Speier
Spratt
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Watt
Waxman
Weiner
Welch
Wu
Yarmuth

NOES—307

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellison
Emerson
Engel
Etheridge
Faleomavaega
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Granger
Graves
Grayson
Green, Al
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Hunter
Inglis
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Myrick
Napolitano
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Peterson
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Scalise
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Towns
Turner
Upton
Walz
Wamp
Wasserman Schultz
Waters
Watson
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cole
Green, Gene
Hall (NY)
Klein (FL)
McCarthy (NY)
Rodriguez
Rush
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1332

Mrs. MALONEY changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ELLISON. Mr. Chair, during rollcall vote No. 663 on H.R. 3326, I mistakenly recorded my vote as "no" when I should have voted "aye."

I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 663.

Stated against:

Mr. KLEIN of Florida. Mr. Chair. Today, July 30, 2009, I was unavoidably detained on rollcall No. 663.

Had I voted, I would have voted "no" on rollcall No. 663.

PART B AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 77, noes 347, answered ''present'' 10, not voting 5, as follows:

[Roll No. 664]

AYES—77

Bachmann
Barton (TX)
Blackburn
Blumenauer
Boehner
Boustany
Broun (GA)
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Foster
Foxx
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Graves
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Wamp
Westmoreland
Wittman

NOES—347

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd

Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
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
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—5

Buchanan
Edwards (TX)
Hall (NY)
Maloney
McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1335

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 258 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 69, noes 351, answered ''present'' 10, not voting 9, as follows:

[Roll No. 665]

AYES—69

Bachmann
Blackburn
Blumenauer
Boustany
Broun (GA)
Campbell
Cassidy
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Flake
Forbes
Foxx
Garrett (NJ)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Olver
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Teague
Terry
Walden
Westmoreland
Wittman

NOES—351

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas

Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—9

Berry
Conyers
Ellison
Hall (NY)
Hirono
Johnson, E.B.
McCarthy (NY)
Rodriguez
Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1338

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 389 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 350, answered ''present'' 10, not voting 3, as follows:

[Roll No. 666]

AYES—76

Bachmann
Bishop (NY)
Blackburn
Boustany
Broun (GA)
Burton (IN)
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Connolly (VA)
Cooper
Davis (KY)
Deal (GA)
Doggett
Driehaus
Flake
Foster
Foxx
Garrett (NJ)
Gerlach
Gohmert
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kagen
Kind
King (IA)
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
McCaul
McClintock
McHenry
McMahon
Minnick
Moran (KS)
Nunes
Nye
Paulsen
Pence
Perlmutter
Peters
Petri
Pitts
Platts
Polis (CO)
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Speier
Terry
Walden
Wamp
Westmoreland
Wittman

NOES—350

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perriello
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—3

Hall (NY)
McCarthy (NY)
Stark

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1342

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 432 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 82, noes 341, answered ''present'' 11, not voting 5, as follows:

[Roll No. 667]

AYES—82

Bachmann
Barton (TX)
Blumenauer
Blunt
Boehner
Boustany
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Fortenberry
Foster
Foxx
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
Minnick
Moran (KS)
Myrick
Nunes
Paulsen
Pence
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Terry
Upton
Walden
Wamp
Westmoreland

NOES—341

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch
Wittman

NOT VOTING—5

Andrews
Edwards (TX)
Hall (NY)
Hall (TX)
McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1345

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HALL of New York. Mr. Chair, I missed rollcall votes 661 through 667.

Had I been present, I would have voted "aye" on 661, and "no" on 662–667.

PART B AMENDMENT NO. 439 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 78, noes 348, answered ''present'' 10, not voting 3, as follows:

[Roll No. 668]

AYES—78

Bachmann
Blackburn
Blumenauer
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foxx
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Pence
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Terry
Walden
Wamp
Westmoreland
Wittman

NOES—348

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—3

Barton (TX)
McCarthy (NY)
Rodriguez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1348

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 449 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 338, answered ''present'' 11, not voting 7, as follows:

[Roll No. 669]

AYES—83

Bachmann
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foster
Foxx
Garrett (NJ)
Gingrey (GA)
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Terry
Walden
Wamp
Westmoreland
Wittman
Wolf

NOES—338

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—7

Aderholt
Cole
Conyers
Gohmert
McCarthy (NY)
Payne
Sutton

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1351

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 553 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 118, noes 304, answered ''present'' 11, not voting 6, as follows:

[Roll No. 670]

AYES—118

Austria
Bachmann
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cao
Cassidy
Castle
Chaffetz
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foster
Foxx
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)

Gohmert
Goodlatte
Hall (TX)
Halvorson
Heller
Hensarling
Himes
Hodes
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Nunes
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Speier
Stark
Stearns
Teague
Terry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wittman

NOES—304

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Frank (MA)
Frelinghuysen
Fudge
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—6

Davis (IL)
Edwards (TX)
Franks (AZ)
Graves
Herger
McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1354

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FRANKS of Arizona. Mr. Chair, on roll-call No. 670, I was unavoidably detained. Had I been present I would have voted "aye."

EN BLOC AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 82, noes 342, answered ''present'' 11, not voting 4, as follows:

[Roll No. 671]

AYES—82

Bachmann
Blackburn
Boustany
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Garrett (NJ)
Gohmert
Goodlatte
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Himes
Hoekstra
Issa
Jenkins
Johnson (IL)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Marchant
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (MI)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Pence
Petri
Pitts
Price (GA)
Quigley
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Tiberi
Walden
Wamp
Westmoreland
Wittman

NOES—342

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick

Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—4

Edwards (MD)
McCarthy (NY)
Tonko
Waters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1357

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 353, not voting 5, as follows:

[Roll No. 672]

AYES—81

Bachmann
Barrett (SC)
Blackburn
Blunt
Boehner
Boozman
Boustany
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris Rodgers
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Walden
Wamp
Westmoreland
Wittman

NOES—353

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

McCarthy (NY)
Pingree (ME)
Sablan
Sutton
Waters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1400

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 8 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 338, not voting 2, as follows:

[Roll No. 673]

AYES—99

Austria
Bachmann
Barrett (SC)
Bean
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz

Coble
Coffman (CO)
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Miller, Gary
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Terry
Upton
Walden
Wamp
Westmoreland
Wittman

NOES—338

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
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.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
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)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—2

McCarthy (NY)
Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1404

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2010''.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. HOLDEN, Acting 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, pursuant to House Resolution 685, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 685, the question on adoption of the amendments will be put en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRELINGHUYSEN. In its present form, I am.

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

The Clerk read as follows:

Mr. Frelinghuysen moves to recommit the bill H.R. 3326 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 2, line 22, after the dollar amount, insert ''(increased by $100,000,000)

Page 26, line 9, after the dollar amount, insert ''(increased by $304,800,000)''.

Page 29, line 21, after the dollar amount, insert ''(reduced by $404,800,000)''.

In section 8120, strike ''None of the funds appropriated'' and all that follows through ''$368,800,000 of the funds'' and insert ''Funds''.

In section 8120, strike paragraph (1) (and redesignate subsequent paragraphs accordingly):

Mr. FRELINGHUYSEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The motion to recommit would restore funding originally included in the bill as reported by the Appropriations Committee for advanced procurement for 12 F–22 aircraft and allow the program to move forward. It would also provide an additional $100 million for the Army military personnel accounts. These increases are offset by cutting $400 million in unrequested funds for the Presidential helicopter, a troubled program that the President himself has proposed to eliminate.

My motion to recommit is consistent with the recently passed Defense authorization bill which recognized the continued vital need for the F–22 by authorizing an additional F–22 aircraft and, at the same time, did not authorize additional funding for the President's helicopter.

Mr. Speaker, while much is made of the President's threatened veto of this bill over the F–22, the fact of the matter is the President has also threatened a veto over funding for the Presidential helicopter. While I appreciate the President has a role in this process, it is Congress, not the President, that has the power of the purse. I do not believe that we should simply take the President's budget proposal and rubber-stamp it.

In addition, my motion to recommit begins to fill a known funding shortfall in the Army military and personnel accounts that resulted from Secretary Gates' recent decision to increase the total Army end strength by 22,000 troops to support the administration's Afghanistan policy.

My motion would also leave intact the additional funds added in the Murtha amendment for four of the Air Force's unfunded priorities.

I urge my colleagues to support this motion to recommit.

I yield to the gentleman from Utah (Mr. BISHOP), a member of the Armed Services Committee, for the remaining time.

Mr. BISHOP of Utah. Mr. Speaker, we all know that to maintain air superiority, which we have had since the Korean War, requires two elements: one is the technological ability, which we know the F–22 provides, but the other is the numerical superiority that we have to have, which is why, when this program was originally started, it was supposed to be 750 planes.

Even as late as last year, the military was telling us 381 maintains the status quo and 243 is the absolute minimum, a number still maintained by Air Combat Command, by the Air National Guard, by 30 of the military studies over the last 15 years. Even the Chief of Staff admitted the 243 is what they needed.

The only person that said 187 is the Secretary of Defense. There is no study to verify that number. That number is a political number, not a military number.

As we go into the future where the Russians are building a new generation fighter with 200 to 300 extra planes to sell to countries like Iran and Venezuela, when we then couple that by cutting 250 legacy planes already in the Air Force and stopping the F–22 and having an F–35 which will not be available under the best of circumstances until 2014, maybe even 2016 as we are talking about it, what we are doing is putting ourselves in danger 10 and 15 years out of being on the wrong side of history. We cannot do that.

This amendment mirrors what the House voted on the Defense authorization bill by putting back procurement money for 12 F–22s and adding $100 million for military personnel to help the anticipated shortfall in the upgrade in what we are doing in Afghanistan.

This is the right thing to do. This is what the military needs. We should not simply make a political decision, because I hate to say this in this crass of a way, but when we can authorize $5 billion for groups like ACORN but $2 billion to keep 18,000 jobs going and provide planes for another year that this country needs, we have something to do to look at our priorities. The $2 billion is for the defense of this country into the future. The military needs this plane.

Mr. FRELINGHUYSEN. Please support the motion to recommit.

I yield back.

Mr. MURTHA. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I've said over and over again, I have been for the F–22. The point is we'd need 292 votes here in order to pass the F–22. We'd need 66 votes in the Senate. The Senate voted 58–40 against it. So we have no alternative.

Now, what I've done is try to robustly fund the program as it is. In other words, they have 187. Let's make sure it's funded adequately. Let's make sure they have what they need. They have a lot of maintenance questions about the F–22. There is no question about it, and so we need to make sure it's robustly funded.

The Presidential helicopter, $3.2 billion we spent on this thing. We ought to get something out of it. One of the Secretaries said to me the other day that they are going to spend another $2 billion if you get it right. I said, Wait a minute; how much do you think you will spend if you have to do another one?

I'm trying to work something out with the White House on that and other issues.

It took a little more time than I expected in this bill today, but I'd appreciate a ''no'' vote on this vote to recommit.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 169, noes 261, not voting 3, as follows:

[Roll No. 674]

AYES—169

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Perriello
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Scott (GA)
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—261

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foster
Frank (MA)
Fudge
Garrett (NJ)
Gerlach
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.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
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)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—3

McCarthy (NY) McHugh Shuster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1432

Ms. BALDWIN changed her vote from ''aye'' to ''no.''

Mr. BURGESS and Mrs. KIRKPATRICK of Arizona changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 30, not voting 3, as follows:

[Roll No. 675]

YEAS—400

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
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
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
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, 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
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
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
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
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
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—30

Baldwin
Blumenauer
Campbell
Duncan
Ellison
Filner
Flake
Frank (MA)
Griffith
Johnson (IL)
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
McDermott
Miller, George
Moore (WI)
Paul
Payne
Royce
Schakowsky
Sensenbrenner
Serrano
Speier
Stark
Tierney
Towns
Waters
Watt
Welch

NOT VOTING—3

McCarthy (NY) Murphy, Tim Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

□ 1440

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONYERS. Madam Speaker, on July 30, 2009, I inadvertently cast a "yea" vote for H.R. 3326. I intended to vote "nay."

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I request that the RECORD note that for rollcall No. 661, Murtha of Pennsylvania Part A Amendment No. 1, I voted "no", but would like the RECORD to reflect, I intended to vote "aye."

I request that the RECORD note that for rollcall No. 675, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, I voted "yea", but would like the RECORD to reflect, I intended to vote "nay."

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, on rollcall No. 663 I inadvertently voted ''no.'' I intended to vote ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces a correction to an earlier vote tally. On rollcall vote No. 666, the ayes were 76 and the noes were 350.

PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 691 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 691

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House 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. 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. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Chairman, for the purpose of debate only, I yield the customary 30 minutes to the gentlelady from North Carolina, Representative FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, today the House will consider H.R. 2749, the Food Safety Enhancement Act, legislation that will help make our food supply safer and cleaner and provide much-needed peace of mind to American families.

Too often recently, we have watched horrible news reports showing stories of Americans who have become terribly sick or have died from eating the same simple foods that we take for granted and consume every day. Think about that for a minute. Our country, one of the wealthiest in the world with the most bountiful food supply and endless choices for consumers, has been in the grip of a food panic that shows no signs of easing up. Peanut butter, spinach, cookie dough, beef, tomatoes, sprouts, pistachios—every day it seems like it's something new.

We know that every year 76 million Americans are sickened from consuming contaminated food, and 5,000 of those persons die. This issue has probably touched every one of us in some way. In too many cases, they're not random, unpredictable events but widespread and systematic. And sadly, they are also preventable. They come about because of flaws in our food safety system. I am happy to say that these gaps in protection are closed by this legislation.

Under this bill, we give the FDA new authority, new tools, and a new source of funding to carry out its vital mission. Thanks to this bill, the FDA will make more frequent inspections of food processing facilities, develop a food trace-back system to pinpoint the source of food-borne illnesses, and have enhanced powers to ensure that imported foods are safe.

The bill provides the FDA better access to the records of food producers and manufacturers without having to wait for an outbreak of food-borne illness.

The bill provides strong, flexible enforcement tools and, importantly, it strengthens penalties imposed on food facilities that fail to comply with safety requirements.

We require food facilities to have safety plans in place to identify and mitigate hazards, one of the best ways to make an immediate improvement to food safety.

The legislation before us is bipartisan, and I think it is safe to say it will fundamentally change the way we protect the safety of our food supply.

It is worth noting the bill was approved by the Energy and Commerce Committee back on June 17 by voice vote. That is how broad the support was.

□ 1445

We know this bill enjoys a lot of support from all Members. It received 280 votes yesterday, including 50 Republican votes that I'm happy to have and very confident that the bill will enjoy the same level of support today.

I will enter a copy of an editorial from today's New York Times into the RECORD. The page made the following points:

''Under the current system, the FDA can only try to coax a food production facility to voluntarily recall its product after people have grown sick or even died. The legislation, the best in years, would give the agency a great deal more power and responsibility to prevent such outbreaks. The FDA would finally have the authority to set strong science-based safety standards for the growing, harvesting, and transporting of both domestic and imported food. The agency would then require each food production facility to come up with the best safety plan showing how it would meet those standards.

''Right now several years or more can elapse before the FDA does a full onsite inspection of a food facility. Most inspections are done by States and not all plants are visited. Under this bill so-called high-risk facilities, ones where there have been problems in the past or ones that handle easily spoiled items like raw seafood, would have to be inspected by the FDA every 6 to 12 months. Lower-risk facilities, which deal with items like dry packaged products with no history of causing problems, would be inspected every 18 months to 3 years.''

As others have noted, the legislation is supported by a range of organizations including Consumers Union, Consumer Federation of America, American Public Health Association, Association of Schools of Public Health, Center for Science and the Public Interest, The Pew Charitable Trusts, Trust for America's Health, and the Grocery Manufacturers Association.

I was disappointed yesterday that some farm organizations seem unwilling to support the legislation even after the committee negotiated in good faith to address their concerns. That lack of support cost us the two-thirds support needed for passage.

I want to address a few other concerns, including one complaint that every farm has to pay an annual $500 fee. I would like to point out that that requirement does not apply to farms that sell directly to consumers, meaning most if not all small family organic farms would not be covered.

Another concern centered on what this bill would mean to small organic farmers and whether the larger FDA power would interfere with their operations. The bill specifically says the FDA can only issue standards for the riskiest products, and the FDA is also directed to take into consideration the impact on small-scale and diversified farms and on wildlife habitat, conservation practices, watershed protection efforts, and organic production methods.

Yet another issue centered on whether confidential farm records might be disclosed by the FDA to others. In fact, the only new records that the FDA can have access to relate only to fresh produce for which the FDA has issued a safety standard or that is the subject of an active investigation of a food-borne illness outbreak.

It is my hope that the small farmers in my district in upstate New York and elsewhere see this bill as a positive step forward in improving safety. Ultimately, we should feel confident about the quality of our food regardless of whether it comes from a big farm or a small family-run organic farm.

Let me touch on one other issue as well. The legislation does not include strong new language to restrict the current overuse, I would say abuse, of antibiotics by farmers who raise livestock for human consumption. We have legislation that has a strong and growing number of supporters who, like me, worry that the use of nontherapeutic antibiotics in our food supply poses an enormous and growing health risk for all Americans. It is my plan to make a strong push on this legislation later in the year, and I hope all my colleagues who are ready to vote for this food safety bill will be with us when we take up the Preservation of Antibiotics for Medical Treatment Act.

Let's approve this food safety bill right now and start taking steps to make sure that our food supply is as safe as it can be.

[From The New York Times, July 30, 2009]

VOTE FOR SAFER FOOD

Far too many Americans are falling ill after eating foods tainted with salmonella, E. coli and other pathogens. The Food and

Drug Administration, which is charged with protecting much of the nation's food supply, doesn't have the authority or the tools to do its job. The House of Representatives can start to fix that problem if it votes this week to approve the Food Safety Enhancement Act.

Under the current system, the F.D.A. can only try to coax a food production facility to voluntarily recall its product after people have grown sick or even died. The legislation, the best in years, would give the agency a great deal more power and responsibility to prevent such outbreaks.

The F.D.A. would finally have the authority to set strong science-based safety standards for the growing, harvesting and transporting of both domestic and imported food. The agency would then require each food production facility to come up with the best safety plan showing how it would meet those standards.

To investigate possible food problems, the F.D.A. would be able to demand far more information during inspections, and it would be required to set up a process for tagging food to make it easier to trace the source of a food-borne illness. The tomato business was devastated last year when tomatoes were blamed for an outbreak of salmonella that was really caused by tainted jalapeño and other peppers.

Right now, several years or more can elapse before the F.D.A. does a full on-site inspection of a food facility. Most inspections are done by states, and many plants are not visited at all. Under this bill, so-called high-risk facilities—ones where there have been problems in the past or ones that handle easily spoiled items like raw seafood—would have to be inspected by the F.D.A. every 6 to 12 months. Lower-risk facilities, which deal with items like dry packaged products with no history of causing problems, would be inspected every 18 months to three years. For that reason, the F.D.A. will need more inspectors, but it is unclear whether new license fees of $500 a year per food facility will be enough to pay for them.

The bill does not solve all of the problems of food safety, of course. There will still be a patchwork of federal inspection programs done by a variety of different agencies. In the future, one food agency that works for consumers and food producers makes more sense. Right now, the F.D.A. has the responsibility for 80 percent of the nation's food supply, and this bill would give it a lot more of the muscle it needs to do that job.

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

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

I want to thank my colleague from New York (Ms. SLAUGHTER), Chair of the Rules Committee, for yielding time. This is a bill I know she feels strongly about.

Mr. Speaker, this bill is being brought to the floor as a rule bill today because it failed to win enough votes to pass under the Suspension Calendar yesterday. It's being brought to the floor under a closed rule. This is yet another closed rule on top of an entire appropriation season filled with closed rules. And I come before you today deeply concerned by the closed rule we have before us.

After promising the American people during campaign season that this would be the most open and honest Congress in history, Speaker PELOSI has gone back on her word by making this the most closed and restrictive Congress in history. Instead of having their ideas heard, the American people are being silenced with Speaker PELOSI's justification that ''we won the election; so we decide.''

Majority Leader HOYER stated this past February his agreement with restoring the House to the regular order process of legislating. He said, ''I think that is a very important pursuit . . . our committees and Members are served on both sides of the aisle by pursuing regular order. Regular order gives to everybody the opportunity to participate in the process in a fashion which will affect, in my opinion, the most consensus and the best product.''

If the majority leader believes this, then why, Mr. Speaker, are we faced with another closed rule today? As my colleagues have expressed time and time again, bringing this number of bills to the floor under closed rules is unprecedented. It does an injustice to both Democrats and Republicans who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time. By choosing to operate in this way, the majority has cut off the minority and their own colleagues from having appropriate input in the legislative process. This is not the way the greatest deliberative body in the world should operate.

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

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

Ms. FOXX. Mr. Speaker, I now yield 4 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentlewoman for yielding.

Mr. Speaker, based upon yesterday's vote on H.R. 2749, the Food Safety Enhancement Act, one would think that the Democrat leadership would say, wait, maybe we have some issues here that need to be taken care of. Maybe we should refer this bill to the Committee on Agriculture and get some of these problems cleaned up. Instead of taking the lesson from yesterday's defeat on this bill on the Suspension Calendar, the Democrat leadership has decided to run this bill through the House under a closed rule with no debate and no amendments.

I would ask: What's the problem with referring this bill to a committee of jurisdiction to make technical, yet necessary, changes? Why not allow an amendment to clean up some of the bill's problems regarding production agriculture and other rural businesses?

All of us want to support a food safety bill. I will say that again: All of us, including me, want to support a food safety bill. I also believe that if the majority would allow a referral to the Committee on Agriculture, this food safety bill would receive wide and bipartisan support. However, the Democrat leadership has taken its my-way-or-the-highway approach that leaves those of us from rural America unable to support this legislation.

Yesterday when H.R. 2749 was on suspension, I raised issues that concern farmers and ranchers. The primary concern is an inadequate exemption for grain farmers and livestock producers. True, the bill exempts grain farmers from performance standards and record-keeping from growing and harvesting activities, but it fails to exempt on-farm grain storage and transportation activities. So while I thank the members of the Energy and Commerce Committee for trying to accommodate us, it's still not right and more needs to be done.

Another problem I would like to raise today involves the grain-handling industry, which affects thousands of small grain elevators across the country where farmers deliver their grain. Many of these facilities are already subject to USDA grain inspections. Many are also subject to State and Federal warehouse licensing fees.

However, this bill gives duplication authority to the FDA to do its inspections. It also imposes a one-size-fits-all registration fee for grain-handling facilities large and small. What's the point of the fee? Grain elevators are already subject to licensing fees; so it must be to impose another revenue-raising tax.

A country-of-origin labeling is included in this bill, but we don't need country-of-origin labeling for grain. Unlike meat, grain is a fungible product, and while it's possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.

I would like to point out that of the many food safety concerns Members and their constituents have raised, I have yet to hear a complaint about the grain industry. This is because we already have a system that works. Instead of strengthening that system, this bill overlays another system of unnecessary bureaucracy.

Mr. Speaker, I oppose the rule and I oppose the bill and would ask once again that the Committee on Agriculture utilize its jurisdiction to correct the flaws so that all of us can vote ''yes.''

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would now yield 5 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in opposition to H.R. 2749, the Food Safety Enhancement Act of 2009.

Let me begin by saying that yesterday Members from both sides of the aisle rejected the bill that was attempted to be rushed through Congress. Yet today we find ourselves considering the same legislation under a closed rule. Once again we are barred

from offering amendments. I simply have to ask: What's the majority leadership afraid of?

We have said before, and I will continue to say again today, this country has the safest food supply in the world. Does that mean that there isn't room for improvement? No. Does that mean that we shouldn't continue to examine our regulatory systems and find ways to make it better? No. I don't think there is a single Member of Congress who wouldn't support reasonable proposals that improve the safety of what is already the safest supply of food in the world. But this legislation is woefully inadequate. It fails to achieve what we are all seeking for our consumers: an improved food safety system.

The biggest challenge that I can point to is the fact that the bill expands the reach and authority of the U.S. Food and Drug Administration but does not require further accountability. This legislation does not require FDA to spend any additional funds on the inspection of food.

Beyond that there are other provisions that are troublesome. One in particular would mandate FDA to set on-farm production performance standards. I'm stunned that more people are not outraged by this concept, that the Federal Government will tell our farmers and ranchers how to do something that they have been doing since the dawn of mankind. Even after changes that will limit the intrusion of the Federal Government on the farm, the bill still goes too far in the direction of trying to produce food from a bureaucrat's chair in Washington, D.C.

There remains a host of other problems with this bill. For example, has anyone considered if it's wise to have the Federal Government grant licenses and charge fees for processing food? This would mean that the Federal Government could arbitrarily withdraw that license for technical violations of the law that ultimately would shut down an operation. Has anyone even considered the consequences of the provisions of this bill? Has anyone thought about how this would increase the cost of food for consumers and force food production out of the country?

□ 1500

Furthermore, the bill's quarantine authority allows FDA to quarantine the entire Nation if there is evidence or just simply justification or information that a food commodity poses a health risk. No consideration is given to economic losses suffered by food producers, processors or distributors. In particular, if the FDA ultimately lifts the quarantine because it was wrong, the agency has no obligation, no authority or means to indemnify producers for their losses.

Mr. Speaker, let me revisit my original point. We have the safest food supply in the world. We need to constantly work to improve our food safety system. But if we are sincere in making those improvements, then we must have a bill before us that is not the product of a rushed legislative process where all the committees of jurisdiction were not allowed to fully participate. Yesterday, with the votes of Members on both sides of the aisle, we rejected that process, and today we find ourselves considering the same legislation under a closed rule, once again, barred from offering amendments.

I repeat, what is the majority afraid of? Food safety should not be a partisan or political issue. This should not be a fight. It should be a constructive process.

Defeat this rule. Bring H.R. 2749 back to the committees. Let all the committees of jurisdiction work their will and work their way so that we can create a bill that serves farmers, ranchers, processors, retailers and, yes, consumers. Tell me what is wrong with that. Tell me what is wrong with that.

Let's defeat the rule. Let's finish the process. Let's do better.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to ask a question: If everybody is doing things so well in the United States, why do 76 million Americans get sick every single year from contaminated food and 5,000 of them die?

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the chairwoman for yielding.

Mr. Speaker, I rise with mixed emotions but in support of the rule. I represent the Salinas Valley, which is one of the most productive agricultural regions of the world. We are the ''Salad Bowl Capital'' of the world. And when you produce fresh produce, for example, lettuce, you don't have a kill step. You can't boil it before you eat it, so you have to be very careful about how you grow this material—lettuce, broccoli, brussels sprouts and all of those things—so you don't have contamination coming from the field.

We have had recalls, the E. coli recall, a very serious recall, and the difficulty we have had over the years is that essentially the Federal responsibility for food safety is in the Food and Drug Administration, the FDA. The responsibility for poultry inspection and meat inspection is in the Department of Agriculture. So you have a split responsibility in this country, and it has been that way for a long, long time.

What you hear in this bill is we need to have some national standards. The authority for those standards lies, for other than meat and poultry, with the Food and Drug Administration. So if you are going to get these standards and get some national credibility and an equal playing field, then you are going to have to work on the food safety for agriculture and organic and all of those others in this legislation.

We have been trying to do that, and the author of the bill, JOHN DINGELL, has been a tremendous help in trying to understand the nuances of small farmers, of organic farmers and others that are selling to farmers' markets.

But I hear from all my ag folks that they may not want the FDA, who don't know much about growing practices, to be out there. They do agree we need to have these national standards, that this is the only way we are going to ensure that all food we serve in this country, which has the safest food in the world, is going to be even safer.

So I share the concerns raised by the minority, but I think that the best answer to the problem is to work in a constructive way so that we can develop constructive regulations that benefit everyone, and that is an equal playing field, not a split between the USDA and the FDA.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

Mr. Speaker, I rise in opposition to the rule and the underlying legislation. This bill was brought to the floor yesterday under an expedited rule in order to push the measure through with minimal debate. The bill failed to pass under a two-thirds vote, and that is why we are considering it again today.

I have three main objections to the bill in its current form: the cost to our farmers, the jurisdictional overreach of FDA, and the process the majority has taken to bring this to the floor today.

Let me begin by saying that food safety is among the highest priorities of our farmers, the USDA and the Agriculture Committee. In my view, having a safe and abundant domestic food supply is a crucial public health matter and it is equally imperative to our national security.

Although America has the safest food supply in the world, there are clearly improvements that need to be made to our system. However, this legislation is not a step in the right direction. The bill would do little, if anything at all, to improve food safety, yet will have a substantial impact upon the Nation's 2.2 million farms, many of which are family owned and operated.

Specifically, I am concerned with the increased costs this bill will charge farms in the form of unnecessary fees and registrations. Farmers will not be able to sell their products without paying expensive annual registration fees. Enacting this legislation could place significant new financial and administrative burdens on the Food and Drug Administration. The bill provides the FDA with more regulatory authority over farming activities, when currently such activities are already regulated by the agriculture experts at USDA.

USDA is doing great outreach work on food safety and has a presence in every county across this country. In other words, USDA already is doing a great deal of work on improving food safety, and therefore food safety does

not need to be additionally regulated by the FDA. I admit that some modest steps were taken to improve the bill, specifically regarding livestock and row crops, but the minor improvements did not go far enough to improve the overall bill.

The United States Department of Agriculture has a strong record. They work hard to partner with industry, they work hard to provide mechanisms for consumer input, and they work hard on consumer education regarding food safety. Frankly, my confidence lies with the USDA rather than the FDA.

I also have substantial concerns with the process taken to bring this measure to the floor. This legislation bypassed regular order and was not considered by the committee of jurisdiction. This legislation has the greatest impact on our farmers, but never received consideration by the committee tasked with agricultural oversight.

I again strongly urge my colleagues to vote ''no'' on the rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), chairman emeritus of the Energy and Commerce Committee and dean of the House.

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

Mr. DINGELL. Mr. Speaker, we are hearing much fiction and little fact. I want to say what I say with great respect and affection for the gentleman from Oklahoma, but giving an understanding of what it is we are doing and why is very important here.

I represent farmers and I represent consumers. Almost all of us have some farmers, and all of us represent consumers. The safety of both is important.

Understand that Food and Drug has been starved of authority and starved of money for a long time. The last meaningful reform in Food and Drug occurred in 1938. America's food is the safest in the world, but it is not as safe as it should be. It should be known that much of the lack of safety of American food comes because of foreign producers, whose production cannot be traced and checked.

We are going to hear complaints about the tomato pepper problem that we had a few years ago. That occurred because there is no way of tracing or finding how these goods move through commerce. Similar situations have occurred with regard to seafood and shellfish, with regard to berries and grapes, with regard to all manner of leafy vegetables and foods. It occurs because Food and Drug cannot control what enters this country, and it occurs because Food and Drug does not have the authority to properly deal with it.

In the instance of major failures, it has occurred because the Food and Drug Administration does not have sufficient authority to focus on the specific wrongdoers and wrongdoing. So every American producer is hurt. We have enabled Food and Drug and required them to address this by a focused effort.

Now, with regard to the authorities given, first of all, we have assiduously avoided any intrusion into the authority of the Agriculture Committee. Extensive discussions were held between the Commerce Committee members and the Committee on Agriculture; respectful, open, friendly discussions.

If there are troubles inside the Agriculture Committee, that is not a matter that the Commerce Committee can address. But we have achieved the approval of the chairman of the committee, who spoke yesterday, as my colleagues will remember, in favor of the legislation which we now discuss.

What does the legislation do? First of all, it keeps the FDA off the farm. Second of all, it is aimed at seeing to it that we have a responsible program for control. It requires registration of producers and manufacturers. That is very important, because without that, Food and Drug doesn't know who is doing what and has no real control to assure that good manufacturing practices, a word of art, are applied by the industry at every phase.

The Chinese are notoriously sloppy in their handling of food: melamine in milk products, unsafe seafood, unsafe shellfish, unsafe meats, mushrooms that are unsafe.

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

Ms. SLAUGHTER. I yield the gentleman 2 additional minutes.

Mr. DINGELL. So, if the manufacturer or the processor pays no fee and does not register, he can't bring the food in this country to poison Americans.

Just recently, we had a major peanut scare. Eight people died, that we know of. Large numbers were sickened. We had a similar problem with other nut products, and the result has been that, again, people were sickened. I mentioned the other kinds of problems that we have confronted, including berries. Americans are dying because Food and Drug does not have the authority to protect them, and American producers and American agriculture is being hurt in enormous amounts because of this.

We will shortly be seeing an attempt by my Republican colleagues to come forward with a motion to recommit that will raise money that American manufacturers and producers are contributing to assure that Food and Drug can protect the consuming public and can protect the farmers, manufacturers and producers against unfair competition.

The bill makes it possible for us to track foods from the point where they are grown to the point where they reach the hands of the consumer. That is extremely important, because without that, a disaster impends with regard to the people who are sickened or killed, but it also is going to impact upon the farmers, the producers, and people in the industry.

This is a balanced, honest, fair, and friendly attempt to see to it that everyone gets the protection that Food and Drug can give. The Department of Agriculture, its inspection and its operations, is not impaired by this. And if my good friends on the Agriculture Committee on the minority side have business that they want to do with regard to their concerns on agriculture, I would urge them to do so, but not to raid the funds, not to oppose good legislation, not to prevent the protection of American consumers. The country deserves better.

□ 1515

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

Ms. SLAUGHTER. I yield an additional 1 minute to the gentleman from Michigan.

Mr. DINGELL. I will use that minute wisely, Madam Chairman, first, to thank you for an excellent rule; second, to thank you for the leadership that you have shown, not only on this matter but many other difficult matters of concern, especially to the American consuming public. The bill is not a new piece of legislation. It has been around and has been the source of a number of investigations by the Commerce Committee, where we find that people are being killed by the inadequacy of authority of Food and Drug, by its inability to protect the American people.

This is a good bill. As I have pointed out, it's old enough to vote. It has gone through many iterations. Now, I hear my friends on the Republican side complaining about the bill. But the harsh fact of the matter is that the changes about which they complain are changes that were made to meet the concerns of the Agriculture Committee as expressed by its chairman, and changes that were made to meet the concerns of producers, manufacturers and growers. I urge my colleagues to support the rule and to support the bill.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to the former chairman of the Agriculture Committee, Mr. GOODLATTE.

Mr. GOODLATTE. I thank the gentlewoman for yielding. I thank her and the gentleman from Oklahoma for their leadership in attempting to address this issue, even though we bring a bill to the floor under a closed rule, with no opportunity, not only on the floor of the House, but also in the House Agriculture Committee, to mark up a bill that proposes to make food safer. Unfortunately, this bill does little, if anything, to enhance food safety.

The legislation does not require the U.S. Food and Drug Administration to spend one additional penny on the inspection of food; yet the legislation imposes significant regulatory burdens on small businesses without properly holding the regulatory agency accountable. The bill contains an expanded

registration requirement that effectively creates a Federal license to be in the food business.

Like the Democrat stimulus bill, cap-and-trade, and the proposed health care bill, this is another example of broadening the size and scope of government, raising new taxes on small businesses, and intruding in the private lives of Americans.

On-farm performance standards: New language added to the bill would exclude row crop producers from FDA regulatory authority over growing and harvesting of crops. Language was also improved 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. We can still expect to have an agency of the Federal Government telling our farmers how to do their jobs.

Registration of food-processing facilities was originally envisioned as a commonsense way of helping the FDA identify facilities under the bioterrorism act in 2002. This provision turns registration into a Federal license for any food business to operate by charging exorbitant fees, making it unlawful to sell food without a registration license and allowing the FDA to suspend a company's registration.

Traceability is another issue. It does not make food safer. Traceability simply adds enormous regulatory burden without even knowing if it can be done in the first place. There is no requirement that the system developed by the FDA be feasible or affordable.

Recordkeeping: Broad recordkeeping authorities will impose significant regulatory burdens. Minimal consideration is given to risks associated with the product produced at the regulated facility when developing the recordkeeping requirements. The language lacks protections from disclosure of proprietary information.

The issue of quarantine authority. The bill's quarantine authority allows the Food and Drug Administration to quarantine a geographic area if there is credible evidence that food poses a health risk. No consideration is given to economic losses suffered by food producers, processors or distributors in the quarantine area. It's my understanding that the ranking member of the Agriculture Committee will offer something that will help to correct that later on, and I hope everyone will support that measure.

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

Ms. FOXX. I yield the gentleman an additional 1 minute.

Mr. GOODLATTE. In particular, if the FDA ultimately lifts the quarantine for lack of confirmatory evidence, the agency has no obligation, authority or means to indemnify producers for their losses. Conversely, under the authority of the Animal Health Protection Act and Plant Protection Act, the USDA, which has jurisdiction over other sectors of our food safety and has done an outstanding job, must indemnify producers who have incurred such losses.

The language allows the FDA to act on suspicion to require a producer to cease distribution of food. Once again, no consideration is given in this legislation to indemnification for economic damages, particularly if the FDA was wrong.

From a public health and safety point of view, end product testing offers little protection or assurance. HAACP was introduced as a system whereby the manufacturer evaluates their process and institutes site and process specific controls, rather than attempt to detect problems by testing the finished product. That is the better way to go.

Mr. Speaker, I would urge my colleagues to oppose this rule, this closed rule, and this bad bill.

Ms. SLAUGHTER. I will reserve.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume. The concern about closed rules is not just one expressed by Republicans. Democrats have expressed their own frustrations with the closed manner in which this Congress is being operated, but nothing has changed.

In February, a group of Democrats garnered more than 60 signatures on a letter to Majority Leader HOYER calling for a prompt return to regular order. In the letter, they stated that ''Committees must function thoroughly and inclusively, and cooperation must ensue between the parties and the houses to ensure that our legislative tactics enable rather than impede progress.'' This was written by, as I said, over 60 Democratic Members.

They went on to say, ''In general, we must engender an atmosphere that allows partisan games to cease and collaboration to succeed. We look forward to working with you to restore this institution.'' So not only does the closed rule process hurt and exclude Republican Members, it hurts and excludes Democrat Members as well.

By preferring to stifle debate, the Democrats in charge have denied their colleagues on both sides of the aisle the ability to do the job they've been elected to do, offer ideas that represent and serve their constituents. The Democrats in charge are denying Members the ability to offer improvements to legislation, and this is an injustice to all of their colleagues, and this rule and this bill are prime examples.

The Democrats in charge are limiting what ideas can be debated on the floor and what constituents can be represented in this House. Our constituents, in both Republican and Democrat districts, are struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of participating in a debate over how their hard-earned taxpayer dollars are being borrowed and spent by the Federal Government.

Mr. Speaker, it's very concerning to me that the Democrat majority has chosen to silence their colleagues on both sides of the aisle yet again. In doing so, they have chosen to keep the millions of constituents we represent from having a voice on the floor of the people's House.

My colleagues have offered a lot of reasons why this bill underlying this rule is not a good bill and needs to be improved. But I want to make a couple of comments about that, also. This bill actually does very little to enhance food safety. In fact, I want to call attention, again, to the motto of the State of North Carolina, ''To be, rather than to seem.''

We have a bill here called the Food Safety Enhancement Act that does very little to enhance the safety of food. As my colleague from Virginia said just now, the FDA is not being required to spend one extra dime on inspecting food. But it gives unprecedented authority to the Food and Drug Administration by imposing mandatory recall, quarantine authority, recording requirements, warrantless inspection authority and country-of-origin labeling requirements.

By enacting user fees on inspections and licensing requirements on food facilities, this bill essentially places a tax on consumers by increasing the price of food. So much for the promise that taxes would not go up on people who make less than $250,000 a year.

This bill grants the FDA the authority to shut down or inspect businesses and determine what qualifies as a health concern.

This bill leaves our Nation's fruit and vegetable producers subject to regulatory burdens by allowing the FDA to regulate how crops are raised, dictating to farmers how they should farm. We've been farming since our earliest beginnings as a species, and we've done it without the regulatory guidance of the FDA. This bill reminds me of the tactics of the former Soviet Union, and we know how successful that was.

This bill requires the Secretary of Health and Human Services to establish a tracing system for food. Each person who produces, manufactures, processes, packs, transports or holds such food would have to maintain the full pedigree of the origin and pre-use distribution history of the food. This bill does not explain how far foods will have to be traced back, or how it will be done for foods with multiple ingredients. Given these ambiguities, it's unclear how much it will cost farmers and taxpayers.

This bill also creates severe criminal and civil penalties, including prison terms of up to 10 years and/or fines of up to a total of $100,000 for individuals.

The bill would impose an annual registration fee of $500 on any facility that holds, processes or manufactures food. Even though farms are technically exempt, FDA has defined ''farm'' very narrowly. People making foods such as

lacto-fermented vegetables, cheeses or breads would be required to register and pay the fee, which could drive small and start-up producers out of business during difficult economic times.

The bill would empower the FDA to regulate how crops are raised and harvested. It puts the Federal government right on the farm dictating to our farmers. And yet, Mr. Speaker, it never went through the Agriculture Committee. This bill that will directly impact American farmers was never vetted through the established processes in the Agriculture Committee, doing a great disservice to the American people. Why is the Democrat leadership refusing to allow a committee with jurisdiction over this matter to offer their ideas and join in on the legislative process?

This bill will cost taxpayers nearly $2.2 billion over 5 years. Every day I hear from constituents their concerns that the Federal Government in Washington is borrowing and spending too much. The American people know that in these tough times they should save, not spend money. However, the Federal Government does not reflect the common sense I see throughout my district. Instead, the Democrats in charge continue to borrow more and spend more, increasing our Federal deficit on the backs of our children and grandchildren.

This bill will increase the deficit even more by borrowing and spending money we do not have. We can no longer blame the deficit and economic difficulties today on the previous administration. The Democrats in charge have shown they do not care about the deficit by continuing to dig America into a bigger and bigger hole with more reckless spending. This borrowed money is all being spent by Speaker PELOSI and the Obama administration, and as a result, the unemployment rate will continue to rise and the deficit will continue to increase.

I urge my colleagues to vote down the previous question and the rule.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I would like to close by reiterating what I have said before, that in the United States, every single year 76 million Americans get ill from contaminated food, and 5,000 die.

□ 1530

As a scientist, I, for one, would like once more to feel pride and confidence in the FDA.

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

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. SLAUGHTER. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 172

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 31, 2009, Saturday, August 1, 2009, or Sunday, August 2, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 8, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, August 6, 2009, through Tuesday, August 11, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 8, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on agreeing to the concurrent resolution.

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

Mr. LUCAS. 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 agreeing to House Concurrent Resolution 172 will be followed by 5-minute votes on the adoption of H. Res. 691 and motions to suspend the rules with regard to H.R. 2728, if ordered, and H.R. 2510, if ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 191, not voting 11, as follows:

[Roll No. 676]

YEAS—231

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
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
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gerlach
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
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 (IL)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lummis
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Young (AK)

NAYS—191

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger

Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (GA)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Maffei
Manzullo
Marchant
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—11

Grijalva
Lofgren, Zoe
Mack
McCarthy (NY)
Payne
Ryan (OH)
Sanchez, Loretta
Schwartz
Van Hollen
Yarmuth
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1557

Messrs. GALLEGLY, BARTON of Texas, SESSIONS, MAFFEI, and KING of Iowa changed their vote from ''yea'' to ''nay.''

Mrs. DAHLKEMPER, Messrs. AL GREEN of Texas, ORTIZ, CLEAVER, and TEAGUE changed their vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 676, had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 691, 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 resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 180, not voting 4, as follows:

[Roll No. 677]

YEAS—249

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
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)
Deal (GA)
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
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
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
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)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
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
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
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
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
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—4

McCarthy (NY)
Price (GA)
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1604

Mr. MOORE of Kansas changed his vote from ''yea'' to ''nay.''

Mr. CARSON of Indiana changed his vote from ''nay'' to ''yea.''

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.

WILLIAM ORTON LAW LIBRARY IMPROVEMENT AND MODERNIZATION ACT

The SPEAKER pro tempore (Mr. CAPUANO). The unfinished business is the question on suspending the rules and passing the bill, H.R. 2728, 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 California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 2728, 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 383, noes 44, not voting 6, as follows:

[Roll No. 678]

AYES—383

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
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)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
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
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
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, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
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
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—44

Akin
Bartlett
Blackburn
Brady (TX)
Broun (GA)
Burgess
Campbell
Cantor
Carter
Cassidy
Coble
Coffman (CO)
Deal (GA)
Dreier
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Hensarling
Herger
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Lamborn
Lummis
Marchant
McHenry
Miller (FL)
Neugebauer
Olson
Paul
Petri
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Stearns
Westmoreland
Wilson (SC)

NOT VOTING—6

Berman
McCarthy (NY)
Moore (WI)
Price (GA)
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1613

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.

PERSONAL EXPLANATION

Mr. PRICE of Georgia. Mr. Speaker, on roll-call Nos. 677 and 678 I was inadvertently detained. Had I been present, I would have voted "no" on No. 677 and "no" on No. 678.

ABSENTEE BALLOT TRACK, RECEIVE, AND CONFIRM ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2510.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 2510.

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.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 15, 2009.

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

DEAR MADAM SPEAKER: Pursuant to section 194 of title 14, United States Code, as Chairman of the Committee on Transportation and Infrastructure, I am required to designate three Members of the United States Coast Guard Academy Board of Visitors. I designate Representative Michael H. Michaud (Maine), Representative Mazie K. Hirono (Hawaii), and Ranking member John L. Mica (Florida) to serve on the Board of Visitors.

Since is founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission of "educating, training, and developing leaders of character who are ethically, intellectually, professionally, and physically prepared to serve their country." The Board of Visitors meets annually with staff, faculty and cadets to review the Academy's programs, curricula, and facilities and to assess future needs. The Board of Visitors plays an important supervisory role in ensuring the continued success of the Academy and the tradition of excellence of the U.S. Coast Guard.

Thank you for your consideration in this matter.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

□ 1615

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3269, CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–237) on the resolution (H. Res. 697) providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions, which was referred to

the House Calendar and ordered to be printed.

FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. DINGELL. Mr. Speaker, pursuant to H. Res. 691, I call up 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 691, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in House Report 111–235 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, 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. The gentleman from Michigan (Mr. DINGELL) and the gentleman from Illinois (Mr. SHIMKUS) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of H.R. 2749, the Food Safety Enhancement Act of 2009.

I remind my colleagues that this bill was up before us yesterday and got 280-something votes in favor of it. It is a good piece of legislation. It is bipartisan. It will fundamentally change the way in which we ensure the safety of our food supply and protect American consumers, farmers and business. I would note it came out of committee in a bipartisan fashion, unanimously, by voice vote.

A series of foodborne disease outbreaks have laid bare unacceptable gaps in our food-safety laws, and this will be the first major change in our food-safety laws with regard to food and drugs since 1938.

In the past 2 years alone, we have witnessed issues of melamine in infant formula and in milk products, and we have seen tainted peppers from Mexico, harmful seafood and shellfish from China, E. coli in spinach, and problems with strawberries and raspberries. Each year, in spite of the fact that we have the most careful and safe food in the world, we find that 76 million people contact a foodborne illness in the United States. According to CDC, some 5,000 die.

This legislation contains significant policy solutions that will address this situation. It is largely based upon legislation I introduced last year along with Energy and Commerce subcommittee Chairmen Pallone and Stupak.

We have worked for months with our Republican colleagues in a bipartisan fashion on the Committee on Energy and Commerce to get this bill right. We have worked with our colleagues on the Agriculture and the Ways and Means Committees to address their concerns, and I believe we have done so.

In the end, we have a bill that strikes an important balance; it does not create unnecessary burdens for farmers and small businesses, but it does allow FDA to retain all its existing authority. It takes no authority from the Department of Agriculture or the Committee on Agriculture, and it gives FDA new authorities that it needs to trace and prevent food-safety problems that may originate on the farm or in other sectors of the food supply chain. And we have carefully protected the farmers against intrusion by the Food and Drug Administration.

I want to talk about key provisions in the bill. Under the legislation, FDA has clear authority to issue and require manufacturers to meet strong, enforceable performance standards to ensure the safety of different types of food.

FDA will establish a food trace-back system so that the public health officials can easily determine the source of foodborne disease outbreaks and protect farmers and producers against unwise and inadequate judgments because of lack of personnel and money.

FDA is going to be required to inspect all food facilities more frequently. And the bill requires FDA to inspect the riskiest ones at least once per year.

FDA will be given new authority to ensure that imported foods are safe, a source of major concern and hazard to our people.

FDA will be given new tools—recalls, record access, penalties to punish bad actors, and the ability to act quickly when presented with a food-safety emergency.

FDA will get a new dedicated source of funding from a $500 million annual registration fee on food facilities to help it conduct its work of keeping America safe. And this provision and the rest of the bill are supported by American food producers.

FDA will not be the only cop on the beat. Our food producers will focus also on prevention and have a well-deserved and shared responsibility between FDA and food manufacturers to keep our food supplies safe.

The bill will require manufacturers to implement preventive systems to stop outbreaks before they occur. All food facilities will be required to conduct hazard analyses, assess potential food-safety risks, and develop plans to keep the food supply safe.

Mr. Speaker, there is nothing in this bill that is overly burdensome for farmers small or big. We have worked hard—and I believe we have succeeded—in protecting farms of the family size from burdens that could harm their business and their way of life. My own district has many small farms and people with whom I work closely on agricultural matters, and I believe that they will be satisfied with this legislation.

It is a fact here—and I want to address the concerns that I have heard—that farmers who sell a majority of their product direct to the consumers are exempt from the fee system in this bill. Farms that sell directly to consumers, restaurants, and grocery stores will also be exempt from the trace-back system.

Some have expressed concern that FDA will have access to confidential farm records and make them available for distribution. This is not so. FDA is already limited in the types of records they can access under the law, and they cannot access financial data, pricing data, personnel data, research data, or sales data other than shipment data regarding sales.

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

Mr. DINGELL. Mr. Chairman, I yield myself 1 additional minute.

I have also heard concern that FDA will have the authority to issue safety standards that will apply to farms and interfere with organic farming practices. I want to make it clear that that is not so. In fact, FDA is prohibited from imposing safety standards unless it determines those standards are ''reasonably necessary to minimize the risk of serious adverse health consequences or death,'' a very, very high standard that they have to meet. This will ensure protection of the concerns of organic farmers and that they are taken into consideration before issuing standards. This is why it has the support of the distinguished chairman of the Agriculture Committee and members of that committee from both sides of the aisle.

Mr. Speaker, this is a product of bipartisan cooperation. It is supported by industry. It was approved unanimously by a voice vote in the Energy and Commerce Committee. It reflects findings of more than 20 hearings on the failure of our food system safety processes conducted by five different committees of the House over 3 years. It addresses weaknesses in the food-safety system at FDA that were identified under the Bush administration and included in concerns under the current administration.

H.R. 2749 it is a well-vetted, mature piece of legislation. I urge my colleagues to support H.R. 2749. It is old enough to vote; it is over 21 years old.

I urge my colleagues to support this legislation. It is a good bill. It will protect the American people, the American consumers, and it will not hurt American industry, which supports this bill.

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

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

I was a member of the Oversight and Investigation Subcommittee in the last Congress, serving 10 or 12 months in that position. And every time we had a hearing on some unsafe food product, another outbreak would occur. So we knew that we really had to get our heads together and try to address food-safety issues, and we think we've done that with this bill.

I want to thank Chairman Emeritus DINGELL and I want to thank Chairman WAXMAN, Chairman PALLONE and Chairman STUPAK for working with Ranking Member BARTON and DEAL and myself to really move the bill forward in a way that we could pass it on a voice vote. I just only wish—and I think we could do this, we could do this on energy and we could do this on health if we really sat down and tried to work out the differences.

This is not an easy bill to pass. And as Chairman Emeritus DINGELL said, 21 years he has been working on this. And this is not an easy thing to do. We did all we could. And I do appreciate the time that we spent on the floor and then with staff to work out the difficult options. And so we come here today with a pretty united bill, one that would have passed had it not been on the suspension calendar, and so we bring it up again today.

We have to have confidence in our food supply, and that's what we're trying to do in this bill. And this bill takes the necessary steps to move us forward.

The changes that we have made not just in the original text of the bill, but in addressing some of the concerns we think are very, very helpful. And I want to pledge to my ag Republican friends—and I'm from an agricultural district, and a lot of these groups that support them are good friends of mine. And we want to ensure that we continue to work forward and move forward as the bill does.

A couple of issues that Chairman Emeritus DINGELL said was, you know, the bill does not require farms to register with 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 the bill. It allows farms to be exempt from the traceability requirements.

We, as a committee, both in the Oversight and Investigation and then as a full committee, we just couldn't sit on the sidelines anymore as we saw case after case of food-borne illnesses. We had to come together in a way to address this.

□ 1630

I think we have done it. I think it's a good product. Can there be some fixes as it moves forward? Yes, there can. But I would ask all my colleagues to support this bill.

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

Mr. DINGELL. I want to thank the gentleman for his hard work both in the Investigations Subcommittee and on the legislation. He and Mr. DEAL and the ranking Republican member, our good friend Mr. BARTON, have been enormously valuable in the work that has been done to bring us to where we are. I commend him and I thank him.

Mr. Speaker, I yield at this time 2 minutes to the distinguished chairwoman of the Appropriations Subcommittee of jurisdiction on this matter, Ms. DELAURO.

Ms. DELAURO. Mr. Speaker, what is this bill about? What is it about?

Food-borne illness in the United States of America kills 5,000 people every single year.

We went to war in Iraq and Afghanistan when 3,000 people, unbeknownst that when they went to work that day that they weren't coming home, and we went to war in Afghanistan as a result.

We know that 5,000 people every year die of a food-borne illness and an illness, my friends, that can be prevented.

Stand with the mother and the father of a 2-year-old child, the parents who went to the grocery store and brought home spinach or lettuce or sprouts or tomatoes and their child died because of E.coli. Stand with the son and daughter of an elderly person in a nursing home who ate a peanut-based product and wound up dying because of that, having survived illness. That's what this bill is all about.

We can prevent food-borne illness in the United States of America. We can prevent 5,000 deaths every year. That's what this bill is focused on. It is of critical importance. It is about the health and the safety of American families. That health and safety is not only threatened in airports and border checkpoints or harbor containers. It's in fridges, on kitchen tables.

And for too long the cornerstone of our food safety system, the FDA, has only rudimentary, ancient tools and an outdated mandate at its disposal. This bill rectifies that oversight. It gives the FDA the means to deal with the dangers that are posed by our global food system. It enhances the agency's ability to stem microbial illnesses, prevent contamination before it happens.

It looks at risk-based inspection and says, what are the foods that are at highest risk? Let's set up some performance standards to deal with that. Let's put mechanisms in place so that we can trace the contamination and make sure we find it and find it quickly, protect the public health, and, yes, protect industry as well. That was part of this effort as well.

Performance standards are the backbone for monitoring an effective process and a control system. I would urge the FDA to develop testing protocols for each performance standard that it sets. This would include ongoing industry testing programs, supported by periodic sampling by the FDA.

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

Mr. DINGELL. Mr. Speaker, I yield the distinguished gentlewoman an additional 30 seconds.

Ms. DELAURO. Thank you. We have an opportunity. The laws and the statutes at the Food and Drug Administration today are inadequate to protect the food and the safety of the American people and at the very same time they put at risk the industries that deal with these products. The industry has come forward and said, Give us standards. That's what this bill is all about.

We have an obligation today to pass this bill and to make sure that we say to the American people we are doing everything that we can to prevent 5,000 deaths every single year and particularly the most vulnerable, our children and the elderly.

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. UPTON), who is ranking member on the Energy and Air Quality Subcommittee.

Mr. UPTON. Mr. Speaker, let's face it: the recent events have shown us that the current system regarding food safety is not working. And I want to compliment those Members that have been actively involved in this, those from our Committee on Oversight and Investigations that exposed many of the problems, obviously the leadership on both sides, Republicans and Democrats, as we moved this bill through our subcommittee and then full committee by a voice vote.

The Oversight and Investigations Subcommittee found severe problems. We are very aware of those problems because those problems have been exposed nationally. Obviously, we have a number of very bad actors, but they have jeopardized the whole food chain. We remember the peanut butter issue and spinach and tomatoes. We need to be deliberate to tackle the issue and obviously be bipartisan to resolve the issue, and that's what this legislation does.

As Mr. SHIMKUS indicated, farms are not required to register with the FDA. There are no large fees associated with this bill. There is no duplication with the USDA, as I understand it.

My district in southwest Michigan has a whole number of different food sources from fruits and vegetables to giant food processors and great companies like Kellogg's. Industry is united behind this legislation. It needs to happen so that consumers will know for sure that there is a mechanism in place to identify when a product, in fact, is bad, that needs to be recalled. And this bill, as it has moved through committee, has shown that bipartisan support.

I would urge my colleagues on both sides to support it.

Mr. DINGELL. Mr. Speaker, I yield at this time 3 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. I thank the chairman for yielding.

Mr. Speaker, I rise to engage in a colloquy with my friend, the distinguished gentleman from Michigan (Mr. DINGELL).

We are passing an historic food safety measure today, and I truly appreciate the effort that you and committee staff have made to move this legislation to the floor today. As a Member of Congress who represents the Salad Bowl of the World, Salinas Valley, I feel landmark legislation is long overdue and look forward to working with my colleague as the process moves to the Senate and to the conference committee.

Also as a member of the Agriculture Appropriations Committee, I look forward to working with the gentleman to allocate the resources necessary to make the safest food in the world even safer.

I'd be remiss if I didn't mention my concerns with the fee structure in this measure, and I appreciate the effort by the chairman and the committee, and it's my preference to find a more equitable fee that does not inhibit our farm families from taking advantage of new markets. As a member of the Organic Caucus, I have concerns about the interplay between this bill and the National Organic Program.

It is my understanding, Mr. Chairman, that this bill would not establish any requirements for organically produced or processed products which are in conflict with the requirements established in the Organic Foods Production Act of 1990 and USDA's National Organic Program regulations.

Mr. DINGELL. If the gentleman would yield, the answer to that question is, yes.

Mr. FARR. Thank you. And would this bill necessarily require small farms to participate in the expensive and unworkable electronic traceability system that FDA will set up?

Mr. DINGELL. The answer to that question is, no.

Mr. FARR. I yield to Mr. BLUMENAUER from Oregon, who has worked with Ms. KAPTUR and myself to make sure that the organic and small growers and processors' concerns have a voice.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate the leadership of the chairman. And it's great to see food safety receive the full attention that it deserves.

I am especially concerned about the language regarding interaction between wildlife, livestock, and farming practices. Biodiversity is a prerequisite for a healthy farm. We should not penalize farmers for utilizing techniques such as naturescaping, floodplain restoration, and natural hedgerows to encourage crop health, control pests and invasive species, and enhance soil quality.

We should target reform and safety efforts towards practices which have been directly linked to food disease outbreaks rather than limiting approaches that farmers have used for centuries to reduce their dependence on pesticides, herbicides, and other carbon-intensive farming techniques.

I would like the assurance from the chairman that he will work with us as Food and Drug Administration develops these criteria so that they will consider the needs of small farms and the practices of organic farmers.

Mr. DINGELL. The answer to that question is, yes; and I will have a more detailed response.

Mr. BLUMENAUER. Thank you, Mr. Chairman, for your courtesy.

Thank you, Mr. FARR, for permitting me to participate in this colloquy.

Mr. DINGELL. If the gentleman from California would yield, I would like to give a more exhaustive response to my friends.

First, we've been hearing complaints that the bill will put unfair, inappropriate, and unnecessary burdens on farmers, particularly small, diversified, and organic farms. We have worked hard to avoid doing that. I want to tell my good friends we would be extremely concerned if this bill created a conflict between food safety and other farm practices aimed at protecting and sustaining the environment. The bill therefore has a number of important provisions designed to prevent such conflicts.

For example, it requires FDA to take into consideration the impacts of any produced food safety standards on small-scale and diversified farms or on wildlife habitat, on conservation practices, watershed protection efforts, and organic production methods. It prohibits FDA from setting any such standards unless these standards are necessary to minimize the risk of serious adverse health consequences or death.

The bill also requires FDA to work in coordination with the U.S. Department of Agriculture to issue such standards. USDA administers the National Organic Program and will be working with FDA to ensure that the safety standards are compatible with organic standards.

Let me speak now to the question about the traceability system in the bill. The traceability provisions in the bill are a critically important part because they allow FDA to quickly track down the sources of food-borne outbreaks. Before FDA can establish any traceability requirements, the bill requires FDA to go through an extensive information-gathering process with public meetings and a pilot project.

As a part of the process, it requires FDA to consider the costs and the benefits and the feasibility for different sectors of the food industry of any traceability technologies under consideration. And for any regulation that would have an impact on farms, FDA must coordinate with USDA and take into account the nature of the impact on the regulation on farms.

Additionally, FDA will be prohibited from requiring farms selling food directly to consumers, restaurants, or grocery stores to participate in this system.

So I believe we can be confident that whatever traceability system is developed will appropriately take into account the needs and interests of the farmers. And I assure my two good friends that I will work with them to see to it that these commitments are kept.

Mr. FARR. Thank you, Mr. Chairman. I really appreciate that.

Mr. BLUMENAUER. Thank you, sir.

Mr. DINGELL. I thank my two colleagues for their valuable assistance to the committee.

Mr. SHIMKUS. Mr. Speaker, before I yield time to my colleague, I yield myself 15 seconds.

Mr. Speaker, I want to recognize my colleagues Mr. PUTNAM and Mr. COSTA for their bill, the Safe FEAST Act, which I was an original cosponsor on, which got rolled into this bill, and it was of great help when they did that.

Mr. Speaker, I yield such time as he may consume to my colleague from Florida (Mr. PUTNAM).

Mr. PUTNAM. I thank my friend from Illinois for his leadership on this issue and his original cosponsorship of that Safe FEAST Act, which has had a number of its key principles incorporated into the bill that we're debating today.

I rise in support of the bill that we are debating today. It is a bipartisan bill built on a bipartisan effort and a model that could and should be followed for the other big issues facing this Congress. It's unfortunate that the process that was taken did not adequately include our Agriculture Committee, and I would hope that as we move this issue forward that it will continue to improve upon that because it is important that our Agriculture Committee and our Representatives from rural America have input into this, and the bill will benefit from their input.

□ 1645

The scares that have undermined consumer confidence in our food supply over the last several years have as oftentimes been a result of international food products, imported food goods, as they have been domestic. This bill takes an important step forward in setting the same standards on imported food that we place upon domestically produced food as well. That is a major step in the right direction.

One only need look at the controversy over baby formula, at the economic devastation that came from the misleading public statements by the FDA about tomatoes that were grown in America, which turned out to have been food-borne illness resulting from jalapeños imported from Mexico, to learn the lesson that this legislation must apply the same standards to imported foods as it does to domestic.

This legislation implements risk-based assessments, something that is very important as we look at the breadth and depth of the food industry as it has become globalized. As the world has grown smaller, as America's tastes and preferences have changed and they desire produce from Latin America and spices from Asia, these challenges will continue to grow, and this, by placing risk-based science into the bill, will allow us to build up and maintain public confidence in our food supply.

And that is really the crux of the matter between our producers and our consumers, that on this issue of food safety, there is no distinction between the interests of the farmer and the shopper in the grocery store, because the farmer loses out if FDA and USDA cannot rapidly and accurately trace back the source of food-borne illness.

If they paint the industry with a broad brush, economic losses are severe, so the interests of the farmer are that we have a modern, effective regulatory system. The interests of the consumer are that we have a modern, effective regulatory system, so that they have a high level of confidence in the items that they purchase to put on their family's kitchen table. There must be the highest possible standard and the best possible science behind that law.

As this issue moves forward, improvements can be made as it relates to the quarantine, as it relates to traceability, and, most importantly, as it relates to the implementation of this bill for State and local governments, the State Departments of Agriculture and Health, who, by definition, are delegated much of the responsibility by FDA to implement this legislation. They must have the resources and the authority and the full cooperation of FDA. There have been breakdowns in the past where FDA did not share as much as they should. This bill does much to address that, and can do a bit more.

And in an era where organic farming continues to grow in popularity, we must be sensitive to these ever-changing forms and trends in American agriculture.

With that, I am proud to support the legislation, and I appreciate the leadership of my friend from Illinois and my friend from Michigan.

Mr. DINGELL. If the gentleman will yield to me just briefly, I want to commend the gentleman not just for a fine statement, but also for the long and strong support he has given for this kind of legislation and protection for industry and for the consumers.

I would like to observe that the concerns the gentleman has expressed are very valuable and are included in the legislation, particularly in seeing to it that foreigners now have to meet the same requirement that Americans do.

Americans produce and process safe food. Foreigners do not. This will assure our people that they can rely on Food and Drug to protect them not just from American producers and from American processors, but also from the foreigners, who are slipping in dangerous substances.

I want to commend the gentleman and thank him.

Mr. PUTNAM. I thank the chairman emeritus and the dean of the House.

Mr. DINGELL. Mr. Speaker, I am delighted at this time to yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT), the chairman of the Subcommittee on Livestock, Dairy and Poultry.

Mr. SCOTT of Georgia. I thank the chairman for yielding.

I just want to state that under the auspices of my subcommittee, food safety is a jurisdiction that we handle. It is very important as we move forward on this to understand that we have got to make our food supply safe. There is no greater thing we can do for the American people and the people of the world than to give absolute assurance that our food supply is safe.

Now, I come from a State, Georgia, where we had an outbreak from salmonella in which we lost eight lives, eight persons that would be alive today if we had this bill in place, because we would have a process of accessing records that we don't have now.

Before this bill is passed, in order to get records from a manufacturer or food processing plant, we can't get it until the food outbreak occurs. But under this bill, when we are inspecting the plant, we will be able to get access to those records. If this was in place, eight Americans would be alive today.

Mr. Speaker, 76 million Americans suffer from food poisoning from our food supply a year; 5,000 are dying.

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

Mr. DINGLE. I yield the gentleman 30 seconds more.

Mr. SCOTT of Georgia. Five thousand are dying. There is no more plain thing we can do.

And I have heard some comments from those who oppose this bill that this bill does nothing, but it does, Mr. Speaker. It provides for us to have inspections at food plants every 6 to 12 months. Do you know how often we are inspecting them now? Once every 10 years. The American people deserve better than that. They deserve for us to have a trace-back system so that we can trace back and get the origins of the outbreak as quickly as possible.

This is a tremendous bill, a tremendous bipartisan effort, and the American people are expecting us to pass it, and pass it overwhelmingly.

Mr. SHIMKUS. Mr. Speaker, I don't have any additional speakers. I reserve my time.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from New York (Mrs. MALONEY) for purposes of making a unanimous consent request.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I rise in strong support of this bill.

In recent years, a series of outbreaks of food-borne illnesses have made clear the need to effectively secure our nation's food supply.

From spinach to cookie dough, foods have become contaminated and have threatened the health of the American people, exposing widespread problems with the food safety system in this country. H.R. 2749 will fundamentally change the way we ensure the safety of the foods we eat.

This bipartisan bill will provide the FDA with new powers and the tools it needs to protect the food supply by providing for more frequent inspections of food-processing plants here in the U.S. and by ensuring the safety of foods imported from overseas.

H.R. 2749 will also provide a new focus on the prevention of food-borne illness by putting systems in place that allow us to better track the source of these outbreaks. This legislation is critical to the health and safety of the American people, and I urge my colleagues to support it.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve.

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to my distinguished friend, the gentleman from Utah (Mr. MATHESON), a superb Member of this body and a great friend of mine.

Mr. MATHESON. Mr. Speaker, I thank the gentleman for yielding.

Included in this bill was the manager's amendment addressing an issue that I raised that Mr. DINGELL has worked long and hard on and helped me figure out a way to address concerns about, lead glazing on ceramic plates on which we eat our food.

This issue first came to my attention with reports in my home State of Utah when a child was sick. After they analyzed the child, they determined the child had lead poisoning. They investigated the home where this child was living and couldn't find any sources of lead.

Ultimately it was discovered that the child's mother had been heating food in the microwave oven. The ceramic bowl or plate she was using wasn't properly glazed or wasn't properly sealed, and lead was leaching out of the plate into the food. Then when she would nurse the baby, the baby would get lead poisoning.

I think we all want to take steps to prevent that type of thing from happening. What we determined is most people don't even realize lead glazing is used on these plates. These plates come in with FDA labels, because the Food and Drug Administration has authority over it, so people who see a label from the Federal Government probably assume it safe.

Included in the manager's amendment is a requirement that there is labeling, just so consumers have the right to know, that it contains a lead-glazed product. If it is properly glazed, it is not necessarily dangerous. But people have the right to know that.

I really commend my friend from Michigan, who has been working on this issue and has been aware of it for a long time. He worked with my office extensively to come up with some way to try to at least make some progress on this issue. It is included in this bill. He is a great legislator, and I am glad he helped me figure that out.

I encourage people to support this bill.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, I would appreciate it if the gentleman didn't praise me, and instead let me say good words about him.

He is a valuable member, a valuable member of our committee. He works hard. He is smart and decent and has been great on this issue. We are proud of him.

Mr. SHIMKUS. I continue to reserve, Mr. Speaker.

Mr. DINGELL. Mr. Speaker, at this time it is my privilege to yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), a very distinguished Member of this body, the chairman of the Agriculture Committee in the House and an extremely wise defender of American agriculture and American farmers.

Mr. PETERSON. Mr. Speaker, I thank the gentleman for yielding.

I first want to commend Chairman Emeritus DINGELL for all of his hard work on this issue, not only during this session of Congress but in many sessions past. We are hopeful that we can move this legislation forward and get additional safeguards in place for food safety in this country.

We also want to commend the other members of the Energy and Commerce Committee on our side of the aisle and on the Republican side of the aisle for their work on this on a bipartisan basis. It is good to see some bipartisan effort happening in the House, and there was some good work done.

We did have some concerns in the Agriculture Committee that we engaged in some discussions and negotiations with Mr. DINGELL and others on the staff of the Energy and Commerce Committee on, and we think we have further improved the bill in terms of how it relates to agriculture. We were able to clarify things in terms of livestock and grain farmers that there was some concern about the language, so that we cleared up some things in terms of performance standards and record keeping.

As the bill came out of Energy and Commerce, there were concerns registered by some of the farm groups. Some of them even indicated they might oppose it. But at this point, because of the changes that have been made, we now have groups that in the past had some concerns, they are now either neutral or supporting this bill. The United Fresh Fruit and Vegetable Group, Western Growers, the American Farm Bureau, National Association of Wheat Growers, the Cattlemen Beef Association, Turkey Federation, Chicken Council, Pork Producers, Corn Growers, Soybean Association, Rice Federation, American Food Industry Association, United Egg Producers, the American Sheep Industry, the Wheat Growers and the Barley Growers, are now either supporting the legislation or are neutral on the legislation.

We believe that we have addressed the concerns of agriculture. We believe this is a good bill. I encourage Members to support this bill, and again commend my good friend and colleague

and the chairman emeritus, Mr. DINGELL, for the great work he has done, as well as his staff.

Mr. SHIMKUS. I continue to reserve, Mr. Speaker.

Mr. DINGELL. Mr. Speaker, I am the only speaker remaining on this side, so if my good friend from Illinois would like to proceed, I will follow him in closing.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume and will just close briefly by saying this is good to see on the floor.

We did take a very difficult issue, one that has been languishing for 21 years, and worked with young Members and new Members, like ADAM PUTNAM, and with the distinguished Chairman Emeritus DINGELL, and got into a room and moved a bill that has the support of almost everybody in the food processing and agriculture community and the marketing of this.

I have sat in numerous hearings, as I said in my opening statement, and every time we would have an oversight investigation hearing there would be an alert of another food-borne illness, and we just knew we couldn't continue down that route.

As my colleague Mr. PUTNAM said, it is going to be helpful to the farmers. It is going to be helpful to the processors when we bring some more security and safety and knowledge that we continue to produce the best food supply in the world. It also will help us with the imported products, and that was a big issue in our debate.

So, with that, this has worked well. We should try this bipartisan method on things like energy and things like health, and maybe we will get there in months to come, I hope, because this is a much better process than us fighting altogether.

With that, again, I thank Chairman Emeritus DINGELL, who really led the way for us to get to where we are today.

I yield back the balance of my time.

□ 1700

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume. First, I want to commend my friend and colleague, Mr. SHIMKUS, and I want to express my gratitude to him. I also want to express my gratitude to Chairman WAXMAN, Chairman STUPAK and Chairman PALLONE, the legislative and appropriation and investigative committee chairmen of the Commerce Committee for the outstanding work they did in preparing this legislation. Also Representative DEGETTE and Representative SUTTON.

My colleagues Mr. BARTON, Mr. DEAL and Mr. SHIMKUS on the minority side have worked very well, carefully, thoughtfully with us, and I owe them a debt of thanks and gratitude. Staff Members like Rachel Sher and Eric Flamm have worked hard on this, as has my friend, Virgil Miller. Chairman PETERSON and JIM COSTA of the Agriculture Committee have been wise advisers and helpers in coming to a bill that could be agreed on by the two committees. Representative LEVIN, Chair of the Subcommittee on Trade of the Ways and Means Committee has been extremely important, as has Representative DELAURO, the Chair of the Appropriations Subcommittee. And Jeanne Ireland, a former staff member of this committee, has been of enormous help in the drafting of the legislation.

We had a long list of supporters. The Obama administration; Grocery Manufacturers Association—the people who sell are going to understand that they're being charged a participation fee; the Wine Institute; Wine America; Distilled Spirits Council of the United States; Center for Science in the Public Interest; Consumers Union; Consumers Federation of America; Center for Foodborne Illness Research & Prevention; Food & Water Watch; Government Accountability Project; National Consumers League; Pew Charitable Trusts; and Safe Tables Our Priority are all active supporters of this legislation.

And these agencies which previously had concerns about the legislation have either lifted their opposition, become neutral or actively support H.R. 2749: United Fresh Fruit and Vegetable; Western Growers; American Farm Bureau Federation; National Association of Wheat Growers; National Cattlemen's Beef Association; National Turkey Federation; National Chicken Council; National Pork Producers Council; National Corn Growers Association; American Soybean Association; U.S. Rice Federation; American Feed Industry Association; United Egg Producers; and the American Sheep Industry.

We have seen that in the long time since legislation was passed to bring food and drug up to national needs back in 1938, that many changes have occurred that have required significant changes, both in the authority of FDA, in its moneys and its abilities to deal, not just with domestic producing problems, but with problems overseas, from which we are receiving lots of dangerous and unsafe food commodities and food products.

This legislation gives food and drug the authority that it needs, the ability to trace, the ability to hold producers abroad accountable, and it sets up a system where foreigners have to participate in the same responsibilities American producers, manufacturers and growers have to, and it enables Food and Drug, for the first time, to have real authorities to enforce the laws of the United States on food safety to protect Americans against unsafe foods coming in from abroad.

And I would remind my colleagues that Food and Drug has neither the resources at the points of entry, nor do they have the personnel at those places to inspect foods coming in. This changes that situation. It is also true that the legislation does something else of importance to our people, and that is, it sees to it that where misbehavior occurs abroad, those same penalties that would be assessed against Americans are assessed against foreigners. This is an important matter of competition to American producers and manufacturers. It sees to it that they are fairly treated, and that there is no more unfair competition by people who could market unsafe commodities to the detriment of American consumers and American growers, producers and processors.

So the legislation is good. A system of assuring responsibility and traceability is available for the first time. And Food and Drug has the authority to terminate the ability of foreigners to sell in this country for the first time in a way which is consistent with American trade laws and the obligations of American people with regard to the safety of food. So, it is a good piece of legislation, and I would urge my colleagues to support it. I would have them know that this is bipartisan, this is a good piece of legislation. It is legislation which protects American people, which sees to it that Americans will no longer be dying of dangerous foods imported into the United States, and it will see to it that American producers are treated fairly in the world marketplace without jeopardy of violation of our law.

It also will see that Food and Drug has the personnel, the resources that it needs to protect the American people, and it is kind to the budget of the American taxpayers.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 691, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LUCAS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LUCAS. I am opposed to the bill in its current form.

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

The Clerk read as follows:

Mr. Lucas moves to recommit the bill H.R. 2749 to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Page 21, lines 3 and 4, strike subparagraph (B) and insert the following:

''(B) shall only be collected and available as follows:

''(i) Fifty percent shall be available to defray the costs of additional safety inspection of food in the United States.

''(ii) Fifty percent shall be available for use under section 137 of the Food Safety Enhancement Act of 2009.

Page 23, line 8, strike ''and''.

Page 23, line 11, strike the period and insert ''; and''.

Page 23, after line 11, insert the following:

''(F) preemptive purchase of product from facilities as defined in section 415.''.

At the end of subtitle C of title I add the following (and revise the table of contents in section 2 accordingly):

SEC. 137. PREEMPTIVE PURCHASE.

(a) IN GENERAL.—From the fees collected under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by section 102, the Secretary of Health and Human Services may make a preemptive purchase related to activities by the Government in carrying out any provision of this Act or an amendment made by this Act.

(b) LIMITATION.—Notwithstanding subsection (a), the Secretary shall not make any payment under such subsection in excess of the amount of fees available under section 743(e)(2)(B)(ii) of the Federal Food, Drug, and Cosmetic Act, as added by section 102.

Mr. DINGELL. I reserve a point of order, Mr. Speaker.

The SPEAKER pro tempore. The point of order is reserved.

Pursuant to the rule, the gentleman from Oklahoma is recognized for 5 minutes in support of the motion.

POINT OF ORDER

Mr. DINGELL. Mr. Speaker, I raise a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DINGELL. Under rule XVI, clause 7, and the language of the rule, it says no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. And I'd point out that that is applicable to the questions before us. I would note that the language of the motion does take and separates the receipts that will be gotten from the registration fees, so that 50 percent are available to defray the costs of additional safety inspection of food; but 50 percent shall be available for use under section 137. But the purpose of that is, rather, for the preemptive purchase of product from facilities as defined in section 415. This allows the broadest kind of purchase of food.

The legislation itself allows certain specific actions, none of which involve purchase of food, particularly under such broad circumstances as the motion allows. The bill only allows expenditure of these registration fees for the following purpose: records access, traceability, recall authority, authority to detain, subpoena authority, prohibition or restriction on the movement of bad food. No further authorities for purchase or expenditure of this money are permitted.

This goes well beyond the fundamental purpose of the legislation and, as such, it constitutes a violation of the rules, going beyond that which is the fundamental purpose of the legislation and so constituting a violation of rule XVI, clause 7 of being not germane.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. LUCAS. Mr. Speaker, the nature of this bill contemplates a number of different things that try to address and protect the supply of domestic food in this country, food in general, I should say. The bill, the language offered, the motion, refers to using 50 percent of these fees collected under section 137 of the motion, which is referenced on the second page. This is just an additional item to all of the things already outlined in the bill in its present form.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I would observe that the language of the legislation nowhere authorizes purchase of food. Under the number of the legislation appears the language, to amend the Food, Drug and Cosmetic Act to improve the safety of food in the global market and for other purposes. And then, down there where you follow, following the words, a bill, and it says, to amend the Federal Food, Drug and Cosmetic Act to improve the safety of food in the global market and for other purposes. Nowhere in the legislation, in my reading, have I been able to find the authorization for the purchase of food or the purchase of food to achieve safety.

I would observe that the language of the motion to recommit permits the purchase of the food without restriction, without restraint or limit. It is some of the grandest authority that is given and well beyond any authority which Food and Drug now has or seeks. Food and Drug has no authority in this area whatsoever for the purchase of food. And the purchasing of food is not for the purpose of protecting the American people, of seeing to it that Food and Drug can properly assure the safety of the food or the protection of the American consumers. And the language that is, I think, most particularly descriptive of what the proposal does, it follows line 3 at page 2. It says, the Secretary of Health—and this is, I'm reading at line 6—the Secretary of Health and Human Services may make a preemptive purchase related to activities by the government in carrying out any provisions of this act or amendment made by this act.

□ 1715

That might be good language for the Committee on Agriculture to present to the House, but it is no language that you will find in Food and Drug and none that would be suggested by the commerce committee.

The SPEAKER pro tempore. If no other Member wishes to be heard, the Chair is prepared to rule.

The gentleman from Michigan makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Oklahoma is not germane. The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

The bill, as perfected, amends the Federal Food, Drug, and Cosmetic Act to improve the safety of food. It grants the Secretary of Health and Human Services authority to issue mandatory performance standards for reducing hazards and requires the Secretary to conduct risk-based inspections. It also expands the Secretary's access to food safety records and increases the Secretary's ability to oversee the safety of imported food, requiring safety-related documentation for potentially unsafe imported food as a condition of import.

In most pertinent part to the question at hand, the bill provides the Secretary with sundry tools to address an outbreak of food-borne illness. These include a system for the rapid tracing of the origin of food, authority to mandate recalls of contaminated food, and authority to quarantine geographic areas of the United States from which the Secretary reasonably believes contaminated food has originated.

The amendment proposed in the motion to recommit contemplates allowing the Secretary to preemptively purchase food as a matter of food safety, as in the context of section 415 of the Act. The amendment also would make a portion of the proceeds of certain fees contemplated by the bill available only for such preemptive purchases.

The Chair finds that the amendment pursues the same fundamental purpose of the bill by a method that dwells within the range of methods employed by the bill. The Chair therefore holds that the amendment is germane.

Accordingly, the point of order is overruled. The motion is in order.

The gentleman from Michigan may be recognized for 5 minutes in opposition.

Mr. DINGELL. Mr. Speaker, we have before us a bad motion to recommit. With all due respect for its author, we know that the FDA has been chronically starved of resources, particularly in the food area and particularly in its ability to protect the American people.

The amendment offered before us would raid that money and would use it for the purpose of purchasing food. The food is not designated as to how or why it might be purchased. I would point out that this breaks an agreement and an understanding that the committee had in this legislation with regard to the support by the food production industry, especially the parts of the industry that will pay the tax.

The bill only authorizes a modest $500 registration fee for food facilities. The motion to recommit asserts the bill does not require the FDA to spend one additional penny on the inspection of food. This is a serious untruth.

On Page 23, the bill directs the FDA to spend its registration fees on food safety activities. The bill explicitly provides that food safety activities include conducting inspections. This money will be diverted from the inspection and the protection of the American people, and it will not be available for the activities of Food and Drug. It might give relief to somebody,

and it might even be somebody who needs relief, but there's no standards whatsoever given as to who will get the money, how it will be spent, on what, and for what purposes.

The bill requires the FDA to adhere to a rigorous mandatory inspection schedule based on risk. This bill does nothing to enhance that, but it takes money away from the protection of the American consumer by having proper inspections at points of entry or inspections in other countries. That is a bad situation and one which is going to seriously hurt the safety of the American public.

The bill is carefully crafted to ensure that the American Food and Drug Administration will protect American consumers and American manufacturers, processors, growers, and the farmers of this Nation. It enables them to focus on where there is danger, and it enables them to provide the kind of protection that all of those entities need, especially the farmers, the processors and the producers, because today the broad authority that Food and Drug has is no longer sufficiently focused to enable the correct and direct focus on the dangers to the American public.

The bill gives Food and Drug modern authorities to safeguard the food supply, but it gives them the money to do the things that they have to do to protect the American industry and the American-consuming public.

This legislation diverts 50 percent of the receipts that we would get under the legislation from the protection both of producers and from the protection of the American-consuming public.

The bill has provisions that ensure that FDA cannot use its ability to stop distribution recall or to detain or to prohibit or to restrict the movement of food. The Food and Drug Administration will have to use modern authorities in a very careful way, in a way which has the support of the consuming public and of the people whose names and whose organizational structures I mentioned earlier.

We have found out what an inadequately funded FDA does. This legislation will ensure that those evils will persist. The amendment reduces funds to FDA. It thereby increases the likelihood of outbreaks and of danger to the health of the American people and of hurt to the American producers, growers, and farmers.

This is a bad amendment. It is an amendment which threatens the support of industry for this legislation by diverting the money into unwise, unnecessary and undue expenditures which threaten the basic purposes of the legislation. It is bad legislation, and it will worsen what is a carefully thought-out bipartisan bill, which has been produced in consultation, not just with the industry but with the Agriculture Committee, with the administration and with both the Department of Agriculture and the Food and Drug Administration.

I urge my colleagues to reject this amendment, which wastes money and which jeopardizes the life, safety and the well being of American consumers and the well being of American farmers, agriculture, and producers. It's a bad, bad motion to recommit.

I urge the House to reject it.

The SPEAKER pro tempore. The Chair was mis-advised that the gentleman from Oklahoma had already explained the motion.

The proponent of the motion is entitled to 5 minutes and is recognized.

Mr. LUCAS. Mr. Speaker, once again, let me express my gratitude to the chairman emeritus and to the ranking member of the Energy and Commerce Committee. They have both put a great deal of effort into developing this very important piece of legislation, and they are to be commended for their attempts to accommodate the concerns raised by members of the minority party of the Agriculture Committee.

During the past few days, I have discussed many of the more objectionable provisions of this legislation. Today, I am hopeful and optimistic, in offering this motion to recommit, that we can at the very least address two of the bill's most glaring omissions.

Specifically, I would like to focus on what I believe to be a lack of accountability on the part of the Food and Drug Administration. The legislation before us provides the agency with numerous punitive authorities as well as a new source of revenue charged to people wishing to be in the food business, but it does not require the FDA to spend one additional penny on the inspection of food.

I am hopeful that my colleagues will agree that this is something that we can and should address in this bill as it leaves the House. Therefore, I propose that FDA spend a portion of the funds collected as registration fees for additional food inspections in the United States of America. Let's face it, if we are going to call this bill the Food Safety Enhancement Act, we should probably have something in here that actually enhances food safety.

Now, another issue that is very troubling and the one we hear repeatedly from farm groups is the issue of indemnification. I would point out that the chairman emeritus and the ranking member explained that concern in a Dear Colleague that was sent out last night. The issue of indemnification can be illustrated with the example of what happened to tomato crops in 2008.

The FDA mistakenly attributed an outbreak of salmonella to tomatoes. It was later discovered that contaminated peppers were the actual source of the illness. However, the discovery came after a large part of the 2008 tomato crop was destroyed, and the industry suffered, perhaps, $100 million in losses as a result.

I appreciate that Mr. DINGELL and Mr. BARTON feel that the passage of this bill will reduce the number and the severity of these mistakes in the future. I truly hope they are right. We must not kid ourselves into believing that the FDA will not make such mistakes in the future. Wrongly implicating agriculture products to foodborne disease outbreaks can cause severe economic losses to farmers and ranchers, who can ill afford them. Unfortunately, this legislation does not address this real concern.

We attempt to address this omission in our motion to recommit. We propose that some of the money coming from the registration fees be set aside for preemptive purchase products from producers. Remember, these purchases only result from direct government action. These changes will not fix everything that we feel to be wrong with the legislation, but they will address some of the more significant problems.

Nothing in this motion adds to the cost of the bill, but it does strengthen FDA accountability, and it guarantees enhanced food safety inspection.

Once again, let's direct that half the money goes to food inspection. Let's make sure the other half of this registration money is available to correct the mistakes that the FDA may make.

I urge all of my colleagues to support this motion. Let's clean up two of the biggest problems, and let's move forward. I urge all of my colleagues to support this motion once again.

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

Mr. DINGELL. Mr. Speaker, I understand that the majority on the committee that handles the bill is entitled to close; is that correct?

The SPEAKER pro tempore. That is ordinarily correct.

Mr. DINGELL. Then I ask unanimous consent that I be permitted to proceed.

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

Mr. LUCAS. I reserve the right to object, Mr. Speaker.

Mr. Speaker, could I note for the record: Has the gentleman not used his 5 minutes?

The SPEAKER pro tempore. Because recognitions to explain and oppose the motion were conferred out of sequence, if there is no objection, the gentleman from Michigan will be recognized for 1 minute to close the debate.

There was no objection.

Mr. DINGELL. Mr. Speaker, I will simply observe as follows: the motion to recommit asserts that the bill does not require FDA to spend one additional penny on the inspection of food. That is totally false.

On page 23 of the bill, it directs FDA to spend its registration fees on food safety activities. On line 18, the bill explicitly provides that food safety activities include conducting inspections. The bill also requires FDA to adhere to a rigorous mandatory inspection schedule based on risk.

I yield now to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, for the remaining seconds, the bill on two points:

It violates the rule, and it will weaken the FDA program. This bill inspects the food processing plants at an increased rate, far more than it is doing now. Again, it violates the rule, and it weakens the FDA's program. On those grounds, we reject this motion to recommit.

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

There was no objection.

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

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

Mr. LUCAS. 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 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 2749, if ordered, and motions to suspend the rules with regard to:

H.R. 1752, if ordered;

H. Res. 535, if ordered;

H. Res. 550, if ordered.

The vote was taken by electronic device, and there were—yeas 186, nays 240, not voting 7, as follows:

[Roll No. 679]

YEAS—186

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
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)

NAYS—240

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
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)
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Adler (NJ)
Grayson
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

□ 1755

Messrs. MOLLOHAN, CARNEY, YARMUTH, Ms. SCHWARTZ, Messrs. BISHOP of Georgia and OBERSTAR changed their vote from ''yea'' to ''nay.''

Mr. GARY G. MILLER of California changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 142, not voting 8, as follows:

[Roll No. 680]

AYES—283

Abercrombie
Ackerman
Altmire
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
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)
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
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
Markey (MA)
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
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
Myrick
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.
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
Taylor
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
Young (FL)

NOES—142

Aderholt
Alexander
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Davis (TN)
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)
Kind
King (IA)
Kingston
Kratovil
Lamborn
Latham
Latta
Lewis (CA)
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
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)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Wamp
Welch
Westmoreland
Wilson (SC)
Wittman
Woolsey
Young (AK)

NOT VOTING—8

Adler (NJ)
Akin
Grayson
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1802

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. AKIN. Mr. Speaker, on rollcall No. 680, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. ADLER of New Jersey. Mr. Speaker, on rollcall Nos. 679 and 680, had I been present, I would have voted "no" on 679 and "yes" on 680.

PERSONAL EXPLANATION

Mr. GRAYSON. Mr. Speaker, on rollcall Nos. 679 and 680, I missed these votes unavoidably because of a meeting with the White House Chief of Staff at the White House, and heavy traffic from the White House to the Capitol. Had I been present, I would have voted "nay" on 679 and "aye" on 680.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3183) ''An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DORGAN, Mr. BYRD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. HARKIN, Mr. TESTER, Mr. INOUYE, Mr. BENNETT, Mr. COCHRAN, Mr. MCCONNELL, Mr. BOND, Mrs. HUTCHISON, Mr. SHELBY, Mr. ALEXANDER, and Mr. VOINOVICH, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1391. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1392. An act to authorize appropriations for fiscal year 2010 for military construction, and for other purposes.

S. 1393. An act to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, and for other purposes.

PROVIDING FOR HOUSE OF REPRESENTATIVES STAFF PAYDAY CHANGES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1752, 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 California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 1752, 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. LATHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 282, noes 144, not voting 7, as follows:

[Roll No. 681]

AYES—282

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)

Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wu
Yarmuth
Young (AK)

NOES—144

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Clyburn
Coble
Coffman (CO)
Conaway
Crenshaw
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jackson (IL)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kingston
Kissell
Kline (MN)
Kratovil
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Young (FL)

NOT VOTING—7

Baird
Berman
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1811

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

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

COMMENDING THE CONGRESS OF LEADERS OF WORLD AND TRADITIONAL RELIGIONS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 535, as amended.

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 pass the resolution, H. Res. 535, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING DAY OF THE AFRICAN CHILD

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 550.

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. 550.

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 848

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 848, the Performance Rights Act.

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

There was no objection.

AMERICANS NEED HEALTH CARE FACTS FROM DEMOCRAT-MEDIA ALLIANCE

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

Mr. SMITH of Texas. Mr. Speaker, poll after poll shows that Americans reject the administration's health care plan, but the national media continue to downplay the results of their own polls.

For example, in its report on the new NBC/Wall Street Journal poll, NBC itself failed to mention that more people disapprove than approve of the way the President is handling health care.

President Obama says his health care plan is deficit neutral, but the nonpartisan Congressional Budget Office says the legislation will substantially increase the deficit.

President Obama says Americans' health care plans will cost less, but the CBO Director says the legislation will cost more, much more.

President Obama says ''if you like your current health care plan, you can keep it,'' but an independent study found that most Americans will lose their current health care plan.

Mr. Speaker, Americans need the facts on health care, not the biased news from the Democrat-media alliance.

□ 1815

PAYGO

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

Mr. PETERS. Mr. Speaker, I rise today as a proud cosponsor of H.R. 2920, the Statutory Pay-As-You-Go Act of 2009. This important legislation will establish mandatory pay-as-you-go budget discipline, rein in deficit spending, and reduce the national debt.

In the 1990s, pay-as-you-go budget discipline was enshrined in law, and it led to record budget surpluses. After PAYGO was originally codified in 1990, total Federal spending as a percentage of GDP decreased each year from 1991 through 2000. After Congress let PAYGO expire in 2002, projected surpluses of $5.6 trillion were transformed into record deficits. Passing the Statutory Pay-As-You-Go Act of 2009 will require Congress to make the tough choices necessary to get unacceptable high budget deficits under control and avoid passing today's costs onto our children, grandchildren, and future generations.

Families make tough budget decisions to live within their means, and the government should be forced to do the same. I urge passage of the Statutory Pay-As-You-Go Act of 2009.

HEALTH CARE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I agree with President Obama when he says there's a need for affordable health care.

Mr. Speaker, a trillion-dollar plan is not affordable, particularly when it leaves millions of Americans without insurance.

The Republican health care plan offers a solution for all Americans for health care access, affordability, quality, and choice. Under the GOP plan, medical decisions will be made by patients and their doctors, not a government bureaucrat such as the Democrat-proposed Health Insurance Commissioner.

The GOP plan provides for guaranteed access regardless of preexisting conditions.

The Republican plan lets Americans who like their coverage keep it.

It expands Community Health Centers that are critical points of access that provide health care services based on an affordable sliding scale.

Mr. Speaker, the Republican plan reins in junk lawsuits and will bring down health care costs. We need health care access, affordability, quality, and choice that Americans deserve. Americans deserve the Republican health care plan.

THE FORECLOSURE CRISIS

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

Ms. TITUS. Mr. Speaker, during the upcoming work session, I will return to southern Nevada, which is ground zero for the foreclosure crisis that triggered our current recession. During my time at home, I will be working with constituents who need help with their mortgages, many in homes that are underwater.

Families throughout my district are struggling to make their mortgage payments, and one out of every 16 homeowners in Nevada has faced a foreclosure filing. Folks in District Three clearly need assistance to stay in their homes and avoid foreclosures.

Tonight in kitchens across the country and in every congressional district, families worry about losing the roof over their heads. I'm sure that every one of my colleagues in Congress will hear from such families during the upcoming district work period. I hope they will bring their stories back to Washington. And when Congress reconvenes in September, let us place a renewed focus on helping families stay in their homes and providing them the assistance they need.

There is much more that Congress can and should do, and I commit to working on this issue when we come back after Labor Day. I hope you will all join me in this effort.

IRAN'S MARTYRS OF FREEDOM

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

Mr. McCOTTER. Mr. Speaker, recently we have seen the end of Islam's 40-day period of mourning for the martyrs of freedom that were killed on June 20, Neda Soltan, Taraneh Mousavi.

And what did the regime do in response? They prevented people from attending their grave sites. They removed people who wanted to lay flowers. And in the end, as reported by msnbc.com, Brigadier General Abdollah Araghi warned against any further gatherings: ''We are not joking. We will confront those who will fight against the clerical establishment.''

Yes, Mr. Speaker, they will fight against rape and murder, martyrs such as Neda and Taraneh. But the world will mourn these martyrs, and soon Iran and all the world will rejoice when these murderers are brought to justice and the Iranian people breathe free.

UTMB EMERGENCY ROOM OPENING

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

Mr. OLSON. Mr. Speaker, I rise to pay tribute to the folks in Galveston, Texas, who have worked to make the reopening of the University of Texas Medical Branch emergency room possible.

Last September, Hurricane Ike hit Galveston, swamping parts of the island and forcing thousands of residents to evacuate. The emergency room's floor is at one of the highest physical elevations on the island, more than 30 feet above sea level. Yet the power of Ike's damage delayed the reopening of the emergency room until last week. Southeast Texas lost one of three level one trauma centers, putting a strain on the whole region.

But thanks to tremendous community support, the emergency room will begin receiving patients and eventually offer the same level of trauma care it did before. Every minute counts in a life-threatening emergency. And the reopening of this facility will help provide timely emergency medical services to the area residents.

As a member of the House Homeland Security Committee, I am committed to continue to do all I can to ensure complete recovery for the impacted areas of Texas by Ike. This is a tremendous step forward for the recovery of Galveston and the neighboring communities devastated by Hurricane Ike.

I wish UTMB, its doctors, its nurses, and its staff a successful future. Welcome back.

THE 75TH ANNIVERSARY OF CONTINENTAL AIRLINES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to celebrate the 75th anniversary of my hometown airline, Continental Airlines. I would like to thank all of the employees, past and present and those in the future, who have continued to serve our community and the Nation. We thank them for their original beginnings with great history and great leadership.

I'm reminded of one of their transfer names, Eastern Airlines. I'm reminded, of course, of the uniforms and the admiration that children would give the pilots and flight attendants. We still do that today.

Continental Airlines is in my district, and as well the Bush Intercontinental Airport, which is their hub airport.

Let me thank them for the many economic dollars they provide to the fourth largest city in the Nation, Houston, Texas, and as well let me congratulate them as they move forward in a new structure that will allow more diversity, more competition, but stronger airline services and customer relations.

Thank you to the leadership of Continental Airlines and to their CEO, Larry Kellner, and all of the hardworking employees. You've had 75 years. You should be proud.

THE PUBLIC HEALTH INSURANCE OPTION

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

Mr. LEVIN. Mr. Speaker, the voluntary public health insurance option is an important part of health care reform for a number of reasons.

First, the public plan will provide a competitor for private plans that will help make the entire system more efficient and help drive down prices for everyone. Second, it provides assurance to all Americans that there will be an affordable, comprehensive health insurance plan available to them no matter where they live or work. In many places there are currently only one or two insurers people can choose from.

Third and of vital importance, the public plan will have the ability to test and implement innovative methods of payment that have the potential to make the entire health care system more efficient and patient centered.

The current fee-for-service structure is a fragmented system. No provider will be required to participate in the public plan, but for those who do, it's important for the public plan to be able to implement effective payment reforms for all participating providers. Allowing individual providers to negotiate their own rates and their own methods of payment with the plan will slow the vital process of moving us towards a more efficient, integrated health care system that serves both the patients and the taxpayers.

Now is the time to act on health care reform, including a robust public health insurance option.

HONORING J.D. WILLIAMS

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

Mr. TOWNS. Mr. Speaker, I rise to recognize the loss of J.D. Williams, who expired 3 days ago.

J.D. Williams was a very special person. He worked with the young people, taught so many how to play baseball. And, of course, he was an outstanding athlete himself.

He was always giving of himself to help others. I recall as a youngster how

he would organize and go into his pocket and take money out to be able to assist young people in buying uniforms and being able to move from one location to another to be able to play different teams.

He was just so committed to developing young people. He worked to get them into college, and, of course, he had a relationship with many coaches around the country. And they would respect the fact that if J.D. Williams said that you could play, you would be able to play. And that's the kind of relationship that he had.

Of course, let me say to his family in times like these you can be proud of the accomplishments of J.D. Williams, even though he's no longer with us.

THE NEW BLACK PANTHER PARTY CASE

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

Mr. WOLF. As a strong supporter of the Voting Rights Act, I've been deeply troubled by this Department of Justice's questionable dismissal of an important voter intimidation case in Philadelphia, where I grew up, and my dad was a policeman. My commitment to voting rights is unquestioned. In 1981 I was the only member, Republican or Democrat, of the Virginia delegation in the House to vote for the Voting Rights Act, and was harshly criticized by the editorial page of the Richmond Times Dispatch.

And when I supported its reauthorization in 2006, I was again criticized by editorial pages. I have grave concerns about the Department's dismissal of this case. Congress must use its oversight to maintain the integrity of the voting system. Oversight is needed now more than ever given the disclosure today in the Washington Times that the Department's case against the New Black Panther Party was dismissed over the objections of career attorneys on the trial team as well as the chief of the Department's Appellate Division.

The politicization of the Justice Department by Eric Holder against career employees is absolutely wrong, and the Congress ought to get to the bottom of this.

Mr. Speaker, as a strong supporter of the Voting Rights Act, I have been deeply troubled by this Department of Justice's questionable dismissal of an important voter intimidation case in Philadelphia—where I grew up and my father was a policeman.

My commitment to voting rights is unquestioned. In 1981, I was the only member—Republican or Democrat—of the Virginia delegation in the House to vote for the Voting Rights Act and was harshly criticized by the editorial page of the Richmond Times Dispatch, and when I supported its reauthorization in 2006, I was criticized again by editorial pages.

I have grave concerns about the department's dismissal of this serious case. Above all, Congress must use its oversight to maintain the integrity of our voting system.

All the documents surrounding this case need to be made public and all the questions asked in my July 22 letter to Attorney General Holder should be answered. The American people deserve nothing less than full transparency.

Oversight is needed now more than ever given the disclosures in today's Washington Times that the department's voter intimidation case against the New Black Panther Party was dismissed over the objections of career attorneys on the trial team—as well as the chief of the department's Appellate Division.

The politicization of the Justice Department by Eric Holder against career employees is absolutely wrong and the Congress ought to get to the bottom of this.

Sources within the department stated that Associate Attorney General Thomas Perrelli, a political appointee, overruled career attorneys in dismissing the case.

According to the Appellate Division memos first disclosed in the Times article, Appellate Chief Diana K. Flynn said that "the appropriate action was to pursue the default judgment" and that Justice had made a "reasonable argument in favor of default relief against all defendants."

Flynn's opinion was shared by a second Appellate Division official, Marie K. McElderry, who stated, "The government's predominant interest is preventing intimidation, threats and coercion against voters or persons urging or aiding persons to vote or attempt to vote."

Given these troubling disclosures, I call on the attorney general to re-file this civil suit and allow a ruling from the judge based on the merits of the case—not political expediency.

It is imperative that we protect all Americans' right to vote, which I consider a sacrosanct and inalienable right of any democracy. The career attorneys and Appellate Division within the department sought to demonstrate the federal government's commitment to protecting this right by vigorously prosecuting any individual or group that seeks to undermine this right. I hope that the political leadership will follow their example and allow this case to go forward again.

[From the Richmond Times Dispatch—Editorial, October 15, 1981]

A MORE OFFENSIVE LAW

A recent news story from Washington reported that Tenth District Republican Rep. Frank Wolf "didn't want to talk about" his vote in favor of extending the odious federal Voting Rights Act. No wonder. There is absolutely no way that he can justify his endorsement of a measure that officially brands Virginia a second-class state and denies Virginians some of their most precious political rights. Mr. Wolf was the only Virginia congressman to support the bill when it moved through the House of Representatives last week.

Grossly unfair in its present form, the Voting Rights Act would be made even more offensive by changes the House approved. The despicable pre-clearance provision, which now is subject to periodic reconsideration, would become a permanent feature of the law. Under this provision, covered states and localities must obtain federal approval of any law, action or decision that might affect the voting rights or strength of minorities, especially blacks. The House's new version outlines a procedure by which a state might, theoretically, purify itself and gain exemption from the act, but the process is so cumbersome and vague that it is likely to prove to be worthless. One important aspect of the act that would remain unchanged in the House version is its inequitable selectivity. The law's harsh impact would continue to fall mainly on the South. Efforts to persuade the House to apply the act uniformly throughout the nation were unsuccessful.

Indeed, the House was unwilling to make even the slightest gesture toward fairness. As the bill had emerged from the House Judiciary Committee, it provided that any state or locality seeking to obtain exemption from its coverage would have to get the approval of the United States District Court in Washington. Sixth District Republican Rep. M. Caldwell Butler, one of the principal leaders of the valiant but vain fight against the act offered an eminently sensible amendment that would have permitted states and localities to sue for relief in a local federal district court. The necessity to go to Washington, he argued, would be so costly and cumbersome that many communities would be discouraged from even attempting to qualify for exemption. But the House, unmoved, rejected his proposal.

Not in many years has Virginia followed the kinds of restrictive voting practices that originally inspired the Voting Rights Act. Not in many years has Virginia attempted to abridge the right of its black citizens to vote. Yet if the House bill prevails Virginia, and most of the South, will continue to be treated as wards of the federal government and denied political rights that the rest of the nation freely exercises, and Mr. Wolf will be partly to blame. Fortunately, the House bill faces considerable opposition in the Senate. And Virginia's two representatives in that body—Senators Harry F. Byrd Jr. and John Warner—can be counted on to support, enthusiastically and aggressively, efforts to transform the Voting Rights Act from a selectively punitive measure into a fair and reasonable law.

[From the Washington Times, July 30, 2009]

JUSTICE APPOINTEE OK'D PANTHER REVERSAL—CAREER LAWYERS PUSHED FOR SANCTIONS IN CASE

(By Jerry Seper)

Associate Attorney General Thomas J. Perrelli, the No. 3 official in the Obama Justice Department, was consulted and ultimately approved a decision in May to reverse course and drop a civil complaint accusing three members of the New Black Panther Party of intimidating voters in Philadelphia during November's election, according to interviews.

The department's career lawyers in the Voting Section of the Civil Rights Division who pursued the complaint for five months had recommended that Justice seek sanctions against the party and three of its members after the government had already won a default judgment in federal court against the men.

Front-line lawyers were in the final stages of completing that work when they were unexpectedly told by their superiors in late April to seek a delay after a meeting between political appointees and career supervisors, according to federal records and interviews.

The delay was ordered by then-acting Assistant Attorney General Loretta King after she discussed with Mr. Perrelli concerns about the case during one of their regular review meetings, according to the interviews.

Ms. King, a career senior executive service official, had been named by President Obama in January to temporarily fill the vacant political position of assistant attorney general for civil rights while a permanent choice could be made.

She and other career supervisors ultimately recommended dropping the case

against two of the men and the party and seeking a restraining order against the one man who wielded a nightstick at the Philadelphia polling place. Mr. Perrelli approved that plan, officials said.

Questions about how high inside the department the decision to drop the case went have persisted in Congress and in the media for weeks.

Justice Department spokeswoman Tracy Schmaler told The Washington Times that the department has an ''ongoing obligation'' to be sure the claims it makes are supported by the facts and the law. She said that after a ''thorough review'' of the complaint, top career attorneys in the Civil Rights Division determined the ''facts and the law did not support pursuing the claims against three of the defendants.''

''As a result, the department dismissed those claims,'' she said. ''We are committed, to vigorous enforcement of the laws protecting anyone exercising his or her right to vote.''

While the Obama administration has vowed a new era of openness, department officials have refused to answer questions from Republican members of Congress on why the case was dismissed, claiming the information was ''privileged,'' according to congressional correspondence with the department.

Rep. Frank R Wolf, Virginia Republican and a senior member of the House Appropriations Committee who has raised questions about the case, said he also was prevented from interviewing the front-line lawyers who brought the charges.

''Why am I being prevented from meeting with the trial team on this case?'' Mr. Wolf asked. ''There are many questions that need to be answered. This whole thing just stinks to high heaven.''

Ms. Schmaler said the department has tried to cooperate with Congress, ''The Department responded to an earlier letter from Congressman Wolf in an effort to address his questions. Following that letter, the Department agreed to a meeting with Congressman Wolf and career attorneys, in which they made a good-faith effort to respond to his inquiries about this case. We will continue to try to clear up any confusion Congressman Wolf has about this case.''

Ms. King and a deputy are expected to travel to Capitol Hill on Thursday to meet behind closed doors with House Judiciary Committee Chairman John Conyers Jr., Michigan Democrat, and Rep. Lamar Smith of Texas, the top Republican on the panel, to discuss continuing concerns about the case.

The department also has yet to provide any records sought by The Times under a Freedom of Information Act request filed in May seeking documents detailing the decision process. Department officials also declined to answer whether any outside groups had raised concerns about the case or pressured the department to drop it.

Kristen Clarke, director of political participation at the NAACP Legal Defense Fund in Washington, however, confirmed to The Times that she talked about the case with lawyers at the Justice Department and shared copies of the complaint with several persons. She said, however, her organization was ''not involved in the decision to dismiss the civil complaint.''

She said the National Association for the Advancement of Colored People has consistently argued that the department should bring more voter intimidation cases, adding that it was ''disconcerting'' that it did not do so.

Mr. Perrelli, a prominent private practice attorney, served previously as a counsel to Attorney General Janet Reno in the Clinton administration and was an Obama supporter who raised more than $500,000 for the Democrat candidate in the 2008 elections. He authorized a delay to give department officials more time to decide what to do, said officials familiar with the case but not authorized to discuss it publicly. He eventually approved the decision to drop charges against three of the four defendants, they said.

At issue was what, if any, punishment to seek against the New Black Panther Party for Self-Defense (NBPP) and three of its members accused in a Jan. 7 civil complaint filed in U.S. District Court in Philadelphia.

Two NBPP members, wearing black berets, black combat boots, black dress shirts and black jackets with military-style markings, were charged in a civil complaint with intimidating voters at a Philadelphia polling place, including brandishing a 2-foot-long nightstick and issuing racial threats and racial insults. Authorities said a third NBPP member ''managed, directed and endorsed the behavior.''

None of the NBPP members responded to the charges or made any appearance in court.

''Intimidation outside of a polling place is contrary to the democratic process,'' said Grace Chung Becker, a Bush administration political appointee who was the acting assistant attorney general for civil rights at the time the case was filed. ''The Voting Rights Act of 1965 was passed to protect the fundamental right to vote and the department takes allegations of voter intimidation seriously''

Mrs. Becker, now on a leave of absence from government work, said she personally reviewed the NBPP complaint and approved its filing in federal court. She said the complaint had been the subject of numerous reviews and discussions with the career lawyers, and she agreed with their assessment to file the case.

Mrs. Becker said Ms. King was overseeing other cases at the time and was not involved in the decision to file the original complaint.

A Justice Department memo shows that career lawyers in the case decided as early as Dec. 22 to seek a complaint against the NBPP; its chairman, Malik Zulu Shabazz, a lawyer and D.C. resident; Minister King Samir Shabazz, a resident of Philadelphia and head of the Philadelphia NBPP chapter who was accused of wielding the nightstick; and Jerry Jackson, a resident of Philadelphia and a NBPP member.

''We believe the deployment of uniformed members of a well known group with an extremely hostile racial agenda, combined with the brandishing of a weapon at the entrance to a polling place, constitutes a violation of Section 11(b) of the Voting Rights Act which prohibits types of intimidation, threats and coercion,'' the memo said.

The memo, sent to Mrs. Becker, was signed by Christopher Coates, chief of the Voting Section Robert Popper, deputy chief of the section; J. Christian Adams, trial attorney and lead lawyer in the case; and Spencer, R Fisher, law clerk. None of the four has made themselves available for comment.

Members of Congress continue to ask questions about the case.

''If showing a weapon, making threatening statements and wearing paramilitary uniforms in front of polling station doors does not constitutes voter intimidation, at what threshold of activity would these laws be enforceable?'' Mr. Wolf asked.

Mr. Smith also complained that a July 13 response by Assistant Attorney General Ronald Welch to concerns the congressman had about the Philadelphia incident did not alleviate his concerns.

''The administration still has failed to explain why it did not pursue an obvious case of voter intimidation. Refusal to address these concerns only confirms politicization of the issue and does not reflect well on the Justice Department,'' Mr. Smith said.

Mr. Smith asked the department's Office on Inspector General to investigate the matter, and the request was referred to the department's Office of Professional Responsibility.

Lawmakers aren't alone in the concerns.

The U.S. Commission on Civil Rights said in a June 16 letter to Justice that the decision to drop the case caused it ''great confusion,'' since the NBPP members were ''caught on video blocking access to the polls, and physically threatening and verbally harassing voters during the Nov. 4, 2008, general election.''

''Though it had basically won the case, the [Civil Rights Division] took the unusual move of voluntarily dismissing the charges . . ., ''the letter said. ''The division's public rationale would send the wrong message entirely—that attempts at voter suppression will be tolerated and will not be vigorously prosecuted so long as the groups or individuals who engage in them fail to respond to the charges leveled against them''

The dispute over the case and the reversal of career line attorneys highlights sensitivities that have remained inside the department since Bush administration political appointees ignored or reversed their career counterparts on some issues and some U.S. attorneys were fired for what Congress concluded were political reasons.

Mr. Weich, in his letter to the congressman, sought to dispel any notion that politics was involved. He argued that the department dropped charges against three of the four defendants ''because the facts and the law did not support pursuing'' them. He said the decision was made after a ''careful and through review of the matter'' by Ms. King.

U.S. District Judge Stewart Dalzell in Philadelphia entered default judgments against the NBPP members April 2 after ordering them to plead or otherwise defend themselves. They refused to appear in court or file motions in answer to the government's complaint. Two weeks later, the judge ordered the Justice Department to file its motions for default judgments by May 1—a ruling that showed the government had won its case.

The men also have not returned calls from The Times seeking comment.

On May 1, Justice sought an extension of time and during the tumultuous two weeks that followed the career front-line lawyers tried to persuade their bosses to proceed with the case.

The matter was even referred to the Appellate Division for a second opinion, an unusual event for a case that hadn't even reached the appeals process.

Appellate Chief Diana K. Flynn said in a May 13 memo obtained by The Times that the appropriate action was to pursue the default judgment unless the department had evidence the court ruling was based on unethical conduct by the government.

She said the complaint was, aimed at preventing the ''para-military style intimidation of voters'' at polling places elsewhere and Justice could make a ''reasonable argument in favor of default relief against all defendants and probably should'' She noted that the complaint's purpose was to ''prevent the paramilitary style intimidation of voters'' while leaving open ''ample opportunity for political expression.''

An accompanying memo by Appellate Section lawyer Marie K. McElderry said the charges not only included bringing the weapon to the polling place, but creating an intimidating atmosphere by the uniforms, the military-type stance and the threatening language used. She said the complaint appeared to be ''sufficient to support'' the injunctions sought by the career lawyers.

''The government's predominant interest . . . is preventing intimidation, threats and coercion against voters or persons urging or aiding persons to vote or attempt to vote,'' she said.

The front-line lawyers, however, lost the argument and were ordered to drop the case.

Bartle Bull, a civil rights activist who also was a poll watcher in Philadelphia, said after the complaint was dropped, he called Mr. Adams to find out why. He said he was told the decision ''came as a surprise to all of us'' and that the career lawyers working on the case feared that the failure to enforce the Voting Rights Act ''would embolden other abuses in the future.''

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KISSELL). 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.

HONORING BOB DEININGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise to honor a public servant, leader, son, husband and father of the first order, Mr. Robert Deininger, who on August 1, 2009, will complete 40 years of faithful and dedicated service to the U.S. Food and Drug Administration, the FDA.

Following his 1965 graduation from Upper Darby High School, Bob excelled at Grove City College, Grove City, Pennsylvania, graduating in 1969 with a bachelor of science degree in biology. He was quickly hired by the FDA as an investigator in the Philadelphia district office.

In 1977 Bob was selected to be a supervisor of the New Jersey District in Trenton, New Jersey. He later moved to Camden, New Jersey, where he supervised 10 investigators and covered southern New Jersey.

□ 1830

During 13 years in this position, he and his team were involved in many unique and interesting cases, including those involving food tampering, recalls and compliance actions.

In 1989, Bob was accepted into a government Executive Potential Program. In 1990, he was selected as Director of the Investigations Branch for the Dallas district and moved to Dallas, Texas. In this position, with nearly 100 employees and 13 satellite offices, he was responsible for domestic import inspection activities in Texas, Oklahoma and Arkansas.

Bob's last position was that of District Director, Southwest Import District, SWID, in the FDA Office of Regulatory Affairs, FDA's regulatory field force. As District Director, Bob was responsible for all import operations in the 11-State Southwest Region and along the entire United States-Mexican border, from Brownsville, Texas, to San Diego, California.

Bob's contributions are too numerous to mention, but principal among them are his efforts to improve import coverage uniformity in applying FDA policies and procedures and his work to increase cooperative activities with Customs and Border Protection.

As the Nation has faced serious threats to the safety of its food supply, Bob significantly increased the number of import samples and product exams performed each year and contributed to updating the FDA import training program. Most importantly, Bob focused FDA/SWID outreach and education efforts to work with the Federal and State agencies on border health to improve the health of the population living along the United States and Mexican border.

For all of his accomplishments in life, Bob Deininger's greatest achievement will always be his family. His mother Evelyn and brother Gary are very proud of him, as is his wonderful wife Rosemary. Together, she and Bob have raised two impressive sons, Kristopher and Brian. They are blessed with a lovely daughter-in-law, Katherine, who has given them their pride and joy, grandson Jack.

Mr. Speaker, let us pause and give thanks to Bob Deininger for four decades of tireless, selfless service to the Food and Drug Administration and the American public.

Today, I join the good people of the Seventh Congressional District of Pennsylvania and the thousands of FDA employees Bob has led, mentored and cared for over the course of his brilliant career, and Bob's many friends and colleagues, to wish Rosemary and Bob ''fair winds and following seas'' as they embark on the next, and no doubt even more remarkable, chapter of their lives.

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.)

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.

NUMBER OF MARINE SUICIDES INCREASING

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. Mr. Speaker, earlier this week I was saddened to read an article in the Marine Corps Times with the heading ''7 July suicides push Corps to record pace.'' I will submit that article for the record.

The article states, ''At least seven Marines are believed to have killed themselves so far in July, putting the Corps on a record pace despite broad-based efforts introduced to reduce suicides.''

The Corps is on a pace for about 56 suicides in 2009, which would shatter a record set last year when the Corps lost 42 Marines to confirmed or suspected suicide. The article further states, ''Marine suicides have increased annually since 2006.''

[From the Marine Corps Times, July 30, 2009]

JULY SUICIDES PUSH CORPS TO RECORD PACE

(By Dan Lamothe, staff writer)

At least seven Marines are believed to have killed themselves so far in July, officials said, putting the Corps on a record pace despite broad-based efforts introduced to reduce suicides.

The deaths come as the service rolls out a new suicide-prevention program this week focused on getting sergeants and corporals to take a more active role in watching for signs that a Marine may be in danger of killing himself. Nine Marines killed themselves in June, and 33 have done so this year, said Maj. Carl Redding, a spokesman at Marine Corps headquarters.

The statistics were discussed Monday at the Sergeants Major Symposium, an annual meeting of the Corps' top enlisted leaders in Washington. The 33 dead Marines put the Corps on pace for about 56 suicides in 2009, shattering a record set last year, when the Corps lost 42 Marines to confirmed or suspect suicides.

''We're looking at all options to get a handle on this,'' said Sgt. Maj. Carlton Kent, the Corps' top enlisted adviser. ''We're trying to pinpoint what we can do, and we're going to stay engaged until we find a fix for it.''

Marine suicides have increased annually since 2006, when 25 Marines killed themselves. Thirty-three Marines are believed to have committed suicide in 2007, Marine officials said.

The recent numbers have alarmed Marine leadership, prompting additional ''all-hands'' prevention training in March that included videos made by commanders, a slideshow outlining recent statistics and an overview of warning signs shown by Marines at risk of killing themselves.

On Monday, senior enlisted leaders discussed a next wave of suicide-prevention training that has been in the works for months. Noncommissioned officers throughout the Corps will be trained to watch for suicide signs more carefully, with ''master trainer'' sergeants who went through 3½ days of training in July at Marine Corps Base Quantico, Va., now fanning out across the service to teach NCOs how they can be a better help to at-risk Marines.

The new training package will include a 30-minute video featuring professional actors portraying Marines, and 11 documentary film clips featuring Marines who considered killing themselves and survivors of Marines who did, the Corps' senior enlisted leaders were told Monday. It will focus in part on eliminating the stigma of reporting a Marine who is considering suicide, officials said.

''Peer groups have to recognize the signs at ankle level, not chest level,'' said Sgt. Maj. Michael Timmerman, the senior enlisted adviser with the Personal and Family Readiness Division at Marine Corps headquarters.

Kent said he wants NCOs to feel empowered to report that a Marine in turmoil may be considering suicide, but he believes senior enlisted leadership and officers also need to be actively involved.

''We still have to provide the guidance, oversight and support,'' he said of senior enlisted leadership. ''We have to give [NCOs] the tools they need'' to prevent suicides.

Unfortunately, the Army has reported a similar increase in suicides. The suicide rate among Army soldiers hit its highest level in three decades in 2008 when there were 128 confirmed suicides.

Yesterday, at a hearing of the Armed Services Subcommittee on Military Personnel, I was impressed with the comments by military leaders from each of the four services who described the steps they are taking to combat psychological stress among servicemembers. I was also pleased to read in the Marine Corps Times that the Corps has taken increased suicide rates seriously by rolling out a new suicide prevention program and implementing additional all-hands prevention training. However, I also believe that the policymakers in Washington have a role to play.

With Marine Corps Base Camp Lejeune and Marine Corps Air Station Cherry Point in my district, I am well aware of the strain that the wars in Iraq and Afghanistan have placed on our Nation's marines and their families. Military officials have speculated that repeat combat deployments and the toll these deployments have taken on servicemembers' marriages and families have contributed to increased suicide rates.

Mr. Speaker, I also believe that continuous war without a clearly defined goal is contributing to anxiety and depression among some of the members of our military.

In recent days, I have come to the House floor to talk about our Nation's military involvement in Afghanistan and the importance of knowing the end point to our war strategy. After nearly 8 years in Afghanistan, President Obama's order for a surge of additional troops will certainly lead to more killed and wounded, more frequent deployments and more stress on our military and their families. That is the price of war.

While American military personnel faithfully conduct their missions abroad, elected officials here in Washington also need to take seriously their responsibility to develop a viable, long-term strategy for these operations.

I have spoken to many in the Army and Marine Corps who say our Nation needs an end point to its war strategy. Many servicemembers have gone to Iraq and Afghanistan more than once, and their desire to serve this Nation is greater than ever, but the stress placed on our all-volunteer forces cannot continue forever.

That is why I will continue to urge the President to work with his military commanders and the Congress to articulate to our men and women in uniform what is to be achieved and to develop the best possible strategy for achieving our goals and wrapping up our military commitment in Afghanistan. I will also continue to work with my colleagues in Congress to ensure adequate funding for mental health programs for servicemembers and veterans.

Before closing, Mr. Speaker, I would like to thank the Department of Defense and our military leaders who are doing everything possible to help servicemembers who suffer from anxiety and depression.

Mr. Speaker, as I do just about every night that I come to the floor of the House, I have to close this way, because I regret that I voted to send our troops to Iraq. I have signed over 8,000 letters to the families and extended families so that I could say to God, forgive me for making that decision.

So my close will be this. God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, in Your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq.

And, dear God, because America is in so much trouble, I will close three times by asking, God please, God please, God please continue to bless America.

THE COST OF AFGHANISTAN AND IRAQ SOON TO BE $1 TRILLION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I would like to thank Congressman WALTER JONES for his 5-minute speech. That was a perfect lead-in to my remarks tonight.

Mr. Speaker, last week I stood in the House to mark two tragic milestones. I said that July had become the deadliest month for our soldiers in Afghanistan since the conflict began, and I reported that the number of American troops who have died in Afghanistan and Iraq had gone over the 5,000 mark.

Today, I rise to warn the House that a third tragic milestone is coming up. According to a report by the Congressional Research Service, Congress has approved $941 billion in war-related spending since 9/11. If Congress approves the administration's request for the next fiscal year, funding for Afghanistan and Iraq will go over the $1 trillion mark. And that is just for direct military operations, Mr. Speaker. The $1 trillion figure doesn't include the indirect costs, such as health care for our wounded veterans. Many of our veterans will need care for the rest of their lives. Joseph Stiglitz, the Nobel-winning economist, has estimated that when you add it all up, the occupation of Iraq alone will cost us over $3 trillion.

Tragically, all that spending has not made us any safer. Violent extremists have launched more attacks around the world since 9/11 than before 9/11. The war spending hasn't made us any richer either. It has contributed to our economic crisis, exploded the lid off our national debt, and diverted funds from desperately needed domestic priorities.

Besides Iraq and Afghanistan, Congress has also approved spending for a third war called the global war on terror. That war has been a big mistake, too. As the Rand Corporation has pointed out, when you use the word ''terrorist,'' you elevate them. You elevate them to the status of holy warriors and it encourages them to conduct holy war against the United States.

We need to call terrorists what they really are, criminals and violent extremists. To stop them, we need good intelligence and good police work in the communities where they hide, not massive military occupations that don't get the job done and bleed our Treasury dry.

I am glad that President Obama and Secretary of State Clinton have stopped using the phrase ''war on terror.'' That is a good first step. But now we need to take several more steps. We must speed up the withdrawal of our troops and military contractors from Iraq. We must change our mission in Afghanistan to emphasize economic development, humanitarian aid, education, jobs, and better government.

This is the kind of help that the people of Afghanistan want and need from the United States. This is the kind of help that will give the Afghan people real hope for the future and a reason to reject extremism.

And throughout the world, we must replace military power with the tools of smart power, such as diplomacy, multilateral action, and nuclear nonproliferation. I have offered a ''SMART Security Platform for the 21st Century'' which could put these tools to work and make the world a safer place.

Mr. Speaker, America cannot afford to keep using military power as our only option. It is dumb foreign policy, dumb military policy, and dumb fiscal policy. Smart power will save lives and money and build a more peaceful world for our children and their children.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. TITUS) is recognized for 5 minutes.

(Ms. TITUS 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.)

RECOGNIZING THE OUTSTANDING WORK OF TAKE STOCK IN CHILDREN

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, I rise tonight to recognize the outstanding work of Take Stock in Children, an amazing program throughout

my home State of Florida which provides low-income and at-risk children the scholarships and the guidance that they need to obtain a quality college education.

As a former educator and a former Florida certified teacher, I am personally aware of the importance in providing our children a solid education so that they may be successful, productive, and active members of society in the future.

When students receive the support, the mentoring, and the financial assistance necessary to pursue a college degree, they begin to realize that they can achieve their goals, they are capable of reaching their dreams, and there are people ready to say, ''We are here to help you.''

This is what Take Stock in Children offers to all of these children. It is an opportunity for the kids in our community to take advantage of the education they might not have otherwise been offered.

Take Stock in Children created an ingenious model of operation which provides the structure and the stability that at-risk and low-income students need in order to be guided to be most productive into college and beyond.

With its innovative mentorship, scholarship, case management, and accountability systems, it is no wonder why Take Stock in Children has flourished. The passion and commitment evident in all aspects of the organization is indeed inspiring. Over 94 percent of all funds that they gather go directly to scholarships and services to students. As more funds are made available to Take Stock in Children, they are quickly made available to the students.

Take Stock in Children has been able to expand into a public-private partnership, so that for every $2 raised for scholarship and student services, they receive a $1 match from the Florida Prepaid College Foundation, creating millions of dollars worth of resources for our kids.

As all of our Florida families know, the Florida Prepaid program allows them to invest early for their children's college education. Parents lock in the cost of college when they begin paying into the program, saving them years of college rate increases and allowing them several years to save for their children's educational needs.

One in ten Florida children has a Florida Prepaid plan, and over 206,000 prepaid students have already graduated from college. I am proud to say that I was one of the cocreators of this program when I served in the Florida Senate.

Take Stock in Children is actually the largest single purchaser of Florida Prepaid scholarships, and it is a great coordinated victory in the fight to help children achieve their dreams of success. It has been over 21 years since I helped create the Florida Prepaid program, and I am continually proud of its successes.

With Florida Prepaid and Take Stock in Children working together, an educational powerhouse has been created for Florida students, combining financial aid as well as guidance and counseling for enrolled and eligible children.

Over 520 students in my district today are recipients of scholarships from Take Stock in Children, and without the support, finding college tuition for these students would not have been likely.

□ 1845

Today, almost $109 million have been awarded in scholarships and over 1 million hours logged, with over 11,000 volunteers dedicated to helping these students. It is because of the commitment of dedicated individuals that Take Stock in Children has come to be such a tremendous success. As a Member of Congress and an ardent supporter of giving the best education possible to our youth, it pleases me greatly that organizations like Take Stock in Children exists today. I look forward to hearing about all of the future successes of Take Stock in Children, and I again applaud them for their everyday victories for all of our children.

HONORING THE LIFE OF VERMEL COOK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to salute a woman of success and pay tribute to Vermel Cook, 95 years old, who passed just this last week, born on November 24, 1913, a woman that has a very special place in my heart, and that of the city of Houston. Mr. Speaker, can you imagine a woman born before the conclusion of World War I, in the midst of a segregated South, who became an important surgical nurse who attended to the surgeries of the famed surgeon, Dr. Michael DeBakey, and Dr. Denton Cooley, at the Methodist Hospital.

What an achievement. And she did that for 30 years. In her 30 years I would imagine she saw some of the first heart transplants. She saw the first opportunities to give new life to patients through the genius of Dr. Michael DeBakey, already passed, and Dr. Denton Cooley, who still lives in our community. I'm very proud that this woman raised beautiful children, 6 children. She has 8 grandchildren, 4 great grandchildren.

And one of her wonderful children was a dear friend of mine, the Mitchell family. Her granddaughter, Pam Mitchell, who is saddened by her death, is one of the 8 grandchildren. And her wonderful daughter, surviving daughter, JoAnn Griggs, as well, had the opportunity to live with a great mother and a great father. Her husband, deceased, Leroy Cook, they were married for 50 years and produced great talent for the Mitchell family. Mr. and Mrs. Mitchell and granddaughter Pam and grandson, her young grandson, traveled around the community and provided great music.

She was a woman of religion as well, a member of the Progressive New Hope Church under the Reverend Ennis Brown, and she served at that church for many, many years, a great historic church in the city of Houston. But then as Pastor Brown passed away, she moved to one of the up-and-coming starring churches under the leadership of my dear friend, Pastor Samuel Ratliff, Brentwood Baptist Church. And I am reminded of my visits to that church when Pastor Ratliff and all of the leadership of that church always rallied around Sister Cook. They always were so grateful of her presence there, and, as well, the spark and the laughter and the smile that she brought to the congregation.

I will always remember her, generous in spirit and heart, a nurturer. And now I know why. A surgical nurse in the midst of a segregated America, living through World War I and World War II, standing at the side of the founder of the veterans hospital system of America, Dr. Michael DeBakey. And then his tutee, Dr. Denton Cooley, two giants in the field of medicine. Now their fallen hero goes alongside of Dr. DeBakey, my very dear friend, Sister Vermel Cook.

As she is buried this coming weekend I would ask that we remember her challenges, but also her spirit. I will always be proud to have known her and to have recognized the greatness of her service and how she pioneered for nurses who now have come behind her. She'll be funeralized on Saturday, this coming Saturday, August 1, 2009, at the Brentwood Baptist Church. Though we are saddened by her passing, we know that this will be a commemoration, a celebration of the pioneering spirit and the successes that she had. We pay tribute to Vermel Cook; yes, fallen, but yet successful, a woman that we can be very proud of in this great Nation that gives us opportunity. God bless you, Vermel Cook, and God bless America.

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 BIG GUNS HAVE LINED UP AGAINST H.R. 1207

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the big guns have lined up against H.R. 1207, the bill to audit the Federal Reserve. What is it that they are so concerned about? What information are they hiding from

the American people? The screed is: ''Transparency is okay—except for those things they don't want to be transparent.''

Federal Reserve Chairman Ben Bernanke argues that H.R. 1207, the legislation to audit the Federal Reserve, would politicize monetary policy. He claims that monetary policy must remain ''independent,'' that is, secret. He ignores history, because chairmen of the Federal Reserve in the past, especially when up for reappointment, do their best to accommodate the President with politically driven low interest rates and a bubble economy.

Former Federal Reserve Board Chairman Arthur Burns, when asked about all the inflation he brought about in 1971, before Nixon's re-election, said that the Fed has to do what the President wants it to do, or it would ''lose its independence.'' That about tells you everything. Not by accident, Chairman Burns strongly supported Nixon's program of wage and price controls, the same year; but I guess that's not political. Is not making secret deals with the likes of Goldman Sachs, international financial institutions, foreign governments and foreign central banks, politicizing monetary policy? Bernanke argues that the knowledge that their discussions and decisions will one day be scrutinized will compromise the freedom of the Open Market Committee to pursue sound policy. If it is sound and honest, and serves no special interest, what's the problem?

He claims that H.R. 1207 would give power to Congress to affect monetary policy. He dreamt this up to instill fear, an old statist trick to justify government power. H.R. 1207 does nothing of the sort. He suggested that the day after an FOMC meeting, Congress could send in the GAO to demand an audit of everything said and done. This is hardly the case. The FOMC function, under 1207, would not change. The detailed transcripts of the FOMC meetings are released every 5 years, so why would this be so different, and what is it that they don't want the American people to know? Is there something about the transcripts that need to be kept secret, or are the transcripts actually not verbatim?

Fed sychophants argue that an audit would destroy the financial market's faith in the Fed. They say this in the midst of the greatest financial crisis in history, brought on by none other than the Federal Reserve. In fact, Chairman Bernanke stated on November 14, 2007, that ''a considerable amount of evidence indicates that central bank transparency increases the effectiveness of monetary policy and enhances economic and financial performance.''

They also argue that an audit would hurt the value of the U.S. dollar. In fact, the Fed, in less than 100 years of its existence, has reduced the value of the 1914 dollar by 96 percent. They claim H.R. 1207 would raise interest rates. How could it? The Fed sets interest rates and the bill doesn't interfere with monetary policy. Congress would have no say in the matter; and besides, Congress likes low interest rates. It is argued that the Fed wouldn't be free to raise interest rates if they thought it necessary. But Bernanke has already assured the Congress that rates are going to stay low for the foreseeable future, and, again, this bill does nothing to allow Congress to interfere with interest rate setting.

Fed supporters claim that they want to protect the public's interest with their secrecy. But the banks and Wall Street are the opponents of 1207, and the people are for it. Just who best represents the ''public's'' interest? The real question is, why are Wall Street and the Feds so hysterically opposed to 1207? Just what information are they so anxious to keep secret? Only an audit of the Federal Reserve will answer these questions.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICANS NEED HEALTH CARE NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today because America needs health care, and they need it now. The American people cannot wait. Every day that we wait 14,000 Americans lose their health insurance. 46 years ago, at the March on Washington, I said, ''They tell us to wait. They tell us to be patient.'' We cannot wait, we cannot be patient. People are losing their health, their homes or their very lives because our health system does not work for them. This is not right. It is not just. And we can do better, much better.

It is our moral obligation to lead. The insurance companies do not need our leadership. The drug companies do not need our leadership. They do not need our help. Real, hardworking people need us to lead. We must make sure that in our rush to appease the few, that we do not harm the many. We must adopt a bill that has a strong public health insurance option. We must adopt a bill that makes health premiums affordable to low and middle-income workers. We must not negotiate away our commitment to the working poor and to middle class Americans. This is the kind of leadership Americans need.

Dr. Martin Luther King, Jr. once said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' If we do not protect our most vulnerable hardworking Americans and their families, we will perpetuate this injustice. The time is always right to do what is right. We should not be afraid to do what is right. We must answer the call of history and pass health reform that works for all Americans.

□ 1900

HEALTH CARE AND JOSHUA LOYA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, I am convinced that sharing real stories from people in our communities is the best opportunity to put a human face on the task before us with respect to reforming health care.

We have spoken about costs, tax increases and job losses. We've spoken about access to care and about government-run options. These are all deeply important factors in this equation, and we have a duty to the American people to debate them fully, but there is also a human element that cuts through the debate and the rhetoric and that perfectly crystallizes what is at stake here.

My Republican colleagues and I have tried to impress on the other side the importance of maintaining the doctor-patient decision-making process. I think that Joshua Loya's story says it all.

Brittany Kraft is a constituent of mine from Pearland, Texas. She was 24 weeks pregnant in March of 2002 when her unborn son was diagnosed with hypoplastic left heart syndrome. She was told that he would not be born alive. Her cardiologist consulted with groups of surgeons around the country, but none could offer the help that she needed. Brittany was advised that her child could be put to sleep in utero, and she could go directly to the hospital for a stillbirth. She was unwilling to accept this as her only option, and she decided to fight for her unborn baby.

Brittany made copies of the fetal echocardiograms and sent them to the top five pediatric cardiothoracic surgeons she could find. Only one, Dr. Ed Bove at the University of Michigan's Mott Children's Hospital, said if Brittany came to Michigan, they would do everything they could to save her unborn child.

On June 26, 2002, Joshua Ruben Loya was born. He was immediately intubated and wired. He was in critical condition, and doctors felt that he was not a good candidate for the corrective surgeries available. He was listed for a heart transplant the day after he was born, and after 16 life-threatening days, at 3 in the morning, Brittany got the call that there was a heart for Joshua.

Almost 7 years later, you would never know what Brittany and Joshua went through. He is a happy, growing boy, with medical needs but with no limitations on a good day. He can run,

play, sing, laugh, and dance. Unfortunately, he is immune-suppressed, and will be for the rest of his life. He takes eight medications twice daily, and must adhere to a very strict schedule to control the levels of medication in his system. Too little and he is at risk of rejecting his heart. Too much and the medications trigger kidney failure and disable his immune system, making him even more vulnerable to every germ around.

I tell Joshua's story because, quite frankly, if the health care plans being promoted by the administration and by my Democratic colleagues were to become law, I'm not confident that Josh would be here today. I know that his mother is deeply concerned that, with government-run health care, she might not have had the choice to deliver her baby or to have access to the life-saving medical procedures needed to keep him healthy and alive.

In a massive government-run bureaucracy, Americans may not have the freedom to make the individual decisions that Brittany Kraft made to bring little Joshua into this world. She was in a position to not accept the word of a doctor and was able to search across the Nation for a better chance at life for her unborn son.

While some maintain that Americans like Brittany can stay on their private plans to keep government out of Joshua's health care, they are not considering the far-reaching implications of the government plan. A government-run plan means bureaucrats make the decisions and that private insurers will be forced to follow suit to remain competitive.

There is valid concern that otherwise healthy people will flock to the cheaper government plan and that sick people will try to stay on private plans, putting private insurers out of business.

Joshua's story puts all of this in a crystal-clear context for me, and I urge all of my colleagues to remember Josh Loya as we go back home for the August recess and talk to our constituents about health care reform. Any reform must include freedom for individuals and for their doctors to make their own personal health decisions.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. This is a golden opportunity right after we've heard what we've just heard. We are empathetic, but we want to dispel the misinformation. As to the gentleman who just spoke before me, I don't know what plan he is referring to. So this is what has been propagated from the other side about the health care system envisioned in America's Affordable Health Choices Act. I'm going to address that tonight.

I've heard many of my colleagues across the aisle claim that the Democrats' health care proposal will result in rationing and in the loss of choice. Tonight, let me address that, because, if it did, I would not support it nor would my fellow Democrats. I've heard anecdote after anecdote from the other side about a man here or about a woman there who had to wait for care in Canada or in England, and I do empathize with their stories.

Let's be clear. Our health care plan absolutely does not envision a Canadian-style system. We're Americans. We propose an American system with choice and competition. We are not socializing medicine, and we're not rationing care. This is rhetoric designed to stir fear and to slow down efforts to bring real reform to our system. With that said, I want to share with you a story, not from Canada, not from England, not from Mars, but from right here in the United States—from Montclair, New Jersey, my district.

Jodi, one of my constituents, has been self-employed for 20 years as a dietitian. When she got divorced, she had to pay nearly $500 a month for COBRA coverage. After a year and a half of timely payments, her plan notified her that her insurance was canceled because the automatic withdrawal from her bank account was processed a day late.

I want to be on the side of those who are going to support folks like this. I do not want to be on the side of those who will perpetuate the support of insurance companies, and that's what we're talking about here. Over the next several months, that's what we will continue to talk about.

There was no appeal available, and Jodi was not notified until 6 weeks after she lost coverage, so it was too late for her to be eligible for HIPAA, protections related to preexisting conditions. When she finally found insurance on the individual market, all of her preexisting conditions were excluded for a year.

Read the bill. When she needed blood work because she was having unexplainable weight gain, the insurance company denied coverage for her tests because of a preexisting thyroid condition even though she had never experienced these symptoms before.

Read our bill. When she had pain in her foot, the insurance company denied coverage for a doctor visit because she had been to a dermatologist 9 months prior for a wart.

What is different about this story from the stories brought to us from the other side of the aisle is that we have the numbers that prove that Jodi was not alone when she was denied the care that she needed.

If you want to talk about rationing, then let's talk about these numbers: 53 percent of Americans cut back on their health care in the last year because of costs. Between January of 2000 and this year, 5 million families filed for bankruptcy because of medical bills. About one-third of the uninsured have a chronic disease. They are six times less likely to receive care for a health problem than are the insured.

Read the bill. There are 25 million Americans who are underinsured, which means that at least 25 million Americans face premiums, copays and deductibles that they can hardly afford. For these people, people who have insurance, price stands between them and the care they need and the treatments their doctors prescribe. Another 46 million are uninsured with no protection whatsoever from these costs. As many as 22,000 Americans die each year because they don't have health insurance. Read the bill.

That's rationing my friends. That's rationing.

As costs continue to rise, these numbers will grow and grow, so please don't preach to us about rationing. Plans offered by the other side fail to reduce the number of uninsured; they fail to rein in health care costs; and they erode the employer-provided coverage, the one mode of insurance that has kept us from slipping over the precipice.

Our bill, America's Affordable Health Choices Act, will expand access to health care; it will rein in health care costs; and it will end needless rationing in this country.

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.)

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Mr. Speaker, we are on the verge of something very significant in this body and in this Congress. I am proud to join my colleagues from the Ways and Means Committee here tonight to talk about the prospects of health care reform in this country.

I heard the other day that it was in 1912 that President Teddy Roosevelt first talked about proposing a national health care system for the United States. Today, we're still the only industrialized nation that doesn't have health care for all of its citizens. We believe it's time, almost 100 years later, to try and get this accomplished for the American people.

Now, a little earlier, my colleague from Texas—my colleague, friend and classmate from college—talked about polls that are out this week that indicate that the American people have somehow turned against the President in his quest to provide health care reform in this country. But what he didn't mention was the other part of that poll, which said, once people understand what H.R. 3200 does, they overwhelmingly support it.

There have been a lot of efforts to mischaracterize what this bill does, what our proposal does. Quite frankly, we're in that sausage-making process now. We have three committees in the House that are working on health care reform. We have two committees in the Senate that are trying to accomplish the same thing, and we have a 1,000-page bill. There are thousands and thousands of pages of legislation that are designed to finally build a kind of health care system that is responsive to the needs of the American citizens and, more importantly, that is responsive to the Nation, its future and its economy.

So I'm not surprised that Americans are a little bit uncertain about what we're doing here, because, again, we're still in that process; but I can assure the people watching tonight, the American public, that the battle lines are about to be drawn. This bill is going to come into focus as the final committee of three in our House reports the legislation out. Over the next month, we will take the argument to the American people. We're very confident that, once the American people understand what we're doing and how we're going to improve their situations, they will overwhelmingly support our proposal.

What the American people want—and what my constituents in Louisville, Kentucky want, what the constituents in New Jersey, in Washington, in New York, and in California all want—is basically the same thing: they want security for life in health care for themselves and for their families. If they're going to lose their jobs, if they're going to lose their coverage, if they want to change jobs, if they want to go back to school or if they want to make those important life decisions, they want the stability of insurance so they don't have to worry about whether a preexisting condition or something in their health histories will prevent them from being covered. They won't have to worry about getting sick and about having their policies rescinded, as we've heard much evidence about. Most importantly, they will be able to go to sleep every night knowing that a disease or an illness will not bankrupt them and will not change their standard of living.

These are the things we're about to do for the American people, for ourselves as well, because we know, as the Republicans know, if we accomplish this major, major goal, we will have the everlasting appreciation of the American public. We know that because the Republicans have said it.

We heard a Senator the other day say, Well, if we can defeat health care reform, it will be President Obama's Waterloo. He will be finished.

We know from a Republican consultant, Frank Luntz, of his memo 3 months ago, which states, We cannot afford to let the Democrats succeed on getting health care reform. We have no answer to that, but we've got to stop it at all costs.

That's what they've been trying to do. They've been talking about things that are nowhere in the bill. They've been talking about comparisons with Canada, which, by the way, is the only country in the world that does health care the way they do it. As I asked a witness at one of our hearings in Ways and Means: Other than hockey, what have we ever copied from Canada?

□ 1915

We can do something very special in this country. We can create a unique American solution that will bring choice and competition—the two things that have characterized American society throughout its history—to our health care environment by using choice and competition, by creating a public option for American citizens to participate in that will compete with private insurance companies. We can make private insurance companies better, and we can make health insurance more affordable for every American.

This is our goal. This is what we know that H.R. 3200 will do, and we look forward, over the next month, in taking this argument to the American people, because the case we have is a winning case. The hand we have is a winning hand, and we know that the American people will embrace what we are attempting to do.

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.)

WAYS AND MEANS HEALTH REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, health care reform may be the single most important issue Members will vote on during their entire legislative career. The issue affects every American. Health care affects our economy at home and our ability to compete internationally.

For the first time in almost 20 years, we have a real opportunity to solve America's health care crisis, and the American people have spoken clearly and overwhelmingly that they want Congress to produce a solution that puts the American people's interests ahead of special interests.

To say there is urgency in what we need to do is an understatement, and for the last several months, the three committees in the House have been working separately and collaboratively on health care legislation. Two of the committees, including the Ways and Means Committee where I serve, reported bills out of committee to the floor. And I want to explain why the Ways and Means Committee's bill is the best bill and is vital to the success of health care reform.

Let's start with Medicare.

For senior citizens, Medicare is health security. The program is so effectively managed that 97 cents of every dollar goes for patient care, and that means it's 97 percent efficient. In many private insurance company programs, 40 cents of every dollar simply goes for overhead, advertising, paper, not delivering health care. So the smart choice is to develop health care legislation based on a proven model, and that's what we did in the Ways and Means Committee.

A new model with a strong public option based on the Medicare model, which has delivered quality health care to seniors and a very comfortable living to doctors and other medical professionals across this country, that's what we need today.

Without a strong public option, health care reform is just a slogan. And without real cost control, health care reform is just another press release. America spends twice as much on health care as any other industrialized nation in the world, and runaway costs are bankrupting average Americans and consuming an even greater part of our gross domestic product than before. The situation is unsustainable.

Now, we talk about the need to address preexisting conditions when it comes to health care, and we should. But runaway costs are a preexisting economic condition we must fix in the new legislation or we're setting ourselves up for failure.

Recent changes to the legislation have scrapped the proven legislative effective and fair model we have in Medicare and substituted negotiated rates making the government negotiate with doctors. On the surface, it may look fair, but looks can be deceiving. The private sector has had decades of opportunities to make health care work, and the economic wreckage of that is everywhere to be seen. Now they want more.

The legislation now would call for negotiations. Let me tell you what that means. So-called negotiated rates do not limit what can be charged or the rate of increase each year. A public option tied to Medicare is the only way to control the costs; otherwise, health care costs will keep going up and Americans will keep getting left out.

While the rich can always take care of themselves—health care at any price—the middle class and the disadvantaged will remain one accident or illness away from financial ruin in the richest country in the world. That sounds like the status quo, right? We don't need any more of that.

Under the chairmanship of CHARLIE RANGEL, the Ways and Means Committee tackled these tough issues and produced health care reform legislation that's fair for providers and affordable for the American people.

You have seen what happens when the private marketplace decides what's best for the American people: Wall Street, housing market. Remember, when they say the market will take care of itself, they mean just exactly that. And we need someone to take care of the American people. That's what the Ways and Means bill is all about.

It comes down to this: Who do you trust? The private health insurance industry companies have had 18 years since Mrs. Clinton and the President tried to change it in 1993 and 1994, and there's nothing that's happened except raising the rates and more people losing their insurance. Or you can trust the people who design Medicare, which has given every citizen in this country, every senior citizen, real health security.

The choice will be made in September. The American people will have a month to think about this, listen to their legislators, ask questions, read the bill. It's online. You can find it. There are plenty of ways to find out what's happening. But you have to tell your legislators, We want this bill from the Ways and Means Committee.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING PHILIP MARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SCHAUER) is recognized for 5 minutes.

Mr. SCHAUER. Mr. Speaker, I rise today to honor Philip Maring of Grass Lake, Michigan, for his service in the United States Army. His courage and commitment while serving as an infantryman in Vietnam is truly deserving of our respect and admiration.

Mr. Maring enlisted in the U.S. Army at the age of 17 upon finishing high school. He volunteered to serve in Vietnam and was deployed with the 196th Infantry Brigade in 1972. In July of that year, Mr. Maring was severely wounded by skilled enemy explosives. He remained in the Army despite his injuries and returned home for duty with the 4th Mechanized Infantry Division. Because of his outstanding service in Vietnam, he earned both the Air Medal and the Army Commendation Medal.

Later, Philip Maring was honorably discharged, and he moved to Michigan. He is now retired and enjoys time with his six grandchildren.

Mr. Speaker, hundreds of thousands of Americans still carry the wounds of Vietnam with them. They are deserving of our constant recognition and support, and I am pleased to be able to have shared just one of their stories today.

May the United States Congress and all Americans thank and recognize my constituent, Philip Maring of Grass Lake, Michigan, for his service to our great Nation and for the injuries he sustained while serving as a U.S. Army infantryman in Vietnam.

May God bless Philip Maring and his family.

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 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 gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

(Ms. LINDA T. SÁNCHEZ of California 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 California (Mr. BECERRA) is recognized for 5 minutes.

(Mr. BECERRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 423(a)(1) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit an adjustment to the budget aggregates and the 302(a) allocation for the Committee on Appropriations for fiscal year 2010. Section 423(a)(1) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for overseas deployments and other activities when these activities are so designated. Such a designation was included in the bill H.R. 3326 (Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes), as passed by the House. Corresponding tables are attached.

This adjustment is filed for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2009	Fiscal Year 2010	Fiscal Years 2010–2014
Current Aggregates: [1]			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	3,002,563	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Change for Appropriations adjustment:			
Budget Authority	0	0	n.a.
Outlays	0	7	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	3,002,570	n.a.
Revenues	1,532,579	1,653,728	10,500,149

[1] Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(b)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATION

[In millions of dollars]

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,219,652	1,377,611
Changes for overseas deployment and other activities designations: H.R. 3326 (Department of Defense Appropriations) floor amendment:		
Fiscal Year 2009	0	0
Fiscal Year 2010	0	7
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,219,652	1,377,618

HEALTH INSURANCE FOR AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. RANGEL) is recognized for 30 minutes as the designee of the majority leader.

Mr. RANGEL. First, let me thank Congresswoman WOOLSEY and Congressman ELLISON for sharing their hour with us on Ways and Means. We have been blessed in having such dedicated members of our committee coming down here in support of H.R. 3200.

You heard from BILL PASCRELL, JOHN YARMUTH, the dynamic JOHN LEWIS. We had Dr. MCDERMOTT. He spends so much of his life on this very sensitive subject. Soon we will be hearing from Congresswoman SCHWARTZ, and you may have noticed that our discussion has been on a subject that the whole world has wrestled with in the United States, and that is health insurance for Americans.

Tomorrow night, we hope to be able to go back to our congressional districts to discuss this very serious and complex subject, a subject that many Presidents have looked at and hoped that we could provide some decent way to take care of American citizens. But we do believe that this courageous President has not only talked about the problem but brought together the stakeholders—the doctors, the insurers, the nurses, the hospitals, the unions, the private sector, the businesspeople—all coming together to

see how they collectively would be in the position to tackle this problem once and for all. They even went as far as to suggest that we could, over 10 years, save $2 trillion and stop the hemorrhaging of the cost of health insurance by working together, Republicans and Democrats. I say that, notwithstanding the fact that it appears as though the public debate has the Republicans fighting against the Democrats.

The fact is, you can't fight against anybody's ideas if you don't have any of your own. And it's tragic and unfortunate that during the next month, it will appear as though the Republicans are just attacking us because they don't have any way to resolve this serious problem on their own.

Having said that, we intend to move on. The Ways and Means Committee, as you have heard, has passed on a bill that we are so proud to present them. We have two other committees that have jurisdiction: the Education and Labor Committee—they have passed out their bill—and we do hope that tomorrow, we have every reason to believe, that the Energy and Commerce Committee will be passing out their bill.

That means that the House would have completed its work, the three committees would have one bill, and that in September when we come back and blend these bills and merge these bills, we will be able to have a bill that we believe we can go into conference with the Senate as they wrestle with two pieces of legislation over there. And then we hope in September, or certainly soon thereafter, we will be able to present to the President of the United States a bill that tackles this very, very serious problem.

This problem really—everybody listening and everybody in this House of Representatives has had some horror story, some story about what has happened with the insurance that they thought they had, the insurance that they lost, the insurance costs that have just soared, or even people who can't even think about leaving their jobs for fear that they would lose their insurance.

It shouldn't be, in this great country of ours, that people have to worry about education and health care as we try to compete with people throughout the world. It should be in this country that the least thing that you have to worry about if you are sick is how you're going to pay for it. And in a country as industrialized and as wealthy as we are, we shouldn't be included among a handful of countries that don't take care of its people's health.

□ 1930

So in this bill we provide health care for some 50 million people. And believe me, we're providing the insurance that they're getting one way or the other. They're getting health care. It's not the best health care. Sometimes they're afraid to go into the emergency rooms. Sometimes they can't afford to talk to doctors. Sometimes they end up worse off in terms of illness than they would have been if they did have some insurance. But nevertheless, the State governments, city governments and the Federal Government pay for it; and you pay for it too. That's part of the reason why your insurance premiums are going up, because the hospitals are going to charge those that have insurance for it; the insurance companies that are not getting paid, they're going to charge you for it; and ultimately, you're going to find out that this fiscal crisis that our Nation has is just going to be hemorrhaged more by sharp increases in health care. So it's not just a moral problem. It's not just a health problem. It's a national interest problem in terms of the direction in which this great country of ours is going. But just imagine the relief that all of us will have to know that if we do get sick, the insurance company would not be able to come and tell you that you're not covered. Just imagine, if you want to get insurance, no preexisting illness would prevent you from getting insurance. Just imagine, if you want to leave your job, you won't have to look at your insurance policy to see whether or not you are going to lose that and not be able to get another one. So this is really just the beginning.

The month of August is going to be America's month, a month to analyze what these bills mean, what it means to you, how it can save you money, protect your health, and protect our country against illnesses that we hope we never have; but sometimes when we are hit, people have lost their homes, lost their bank accounts and ended up in dire financial need because they couldn't afford it. Tonight we hope to share with you some of our thoughts.

I would like at this moment to yield to one of the dynamic Members from Pennsylvania, a member of our committee, Ms. SCHWARTZ. She has worked so hard in this area before she got to Congress, while she has been in Congress and has made an outstanding contribution to the Ways and Means Committee. At this time I yield her such time as she may consume.

Ms. SCHWARTZ. Well, thank you, Mr. Chairman. I have to say, it has been an honor and a privilege to serve on the Ways and Means Committee. I knew when I sought a position on the Ways and Means Committee that it would be always interesting, and we would always be doing important work, always sort of being in the mix of really the principal work that we do in Congress. I'm not sure I could ever have anticipated the opportunity that we've had over the last 7 months to work on the major issues facing this country. Really, there are few issues as important as the health care of Americans. I think we have seen in the Ways and Means Committee, under your guidance and your leadership, the fact that people bring their own experiences with health care. I think what is unique about talking about health care is that each and every one of us have our own experiences, both good and bad. We bring certainly the experiences of our constituents, the concerns of our constituents, and I think our hopes and our dreams for this country of how great it could be, if under your leadership and under our watch, to participate in finding that uniquely American solution to health care, affordable, meaningful health care for all Americans. It's really both I think an attainable goal and a big goal. It is one that the President has set out when he ran for the presidency. He sent us out, both on the committee and to Congress, to say, Now is the time to do this.

I think each and every one of us can share stories that we hear from our constituents. I will tell just one, if I may. I have some statistics about the number of Pennsylvanians who don't have health insurance, but I think sometimes it's helpful to bring it down to a personal story. I was asked to visit one of the colleges in my district, Penn State, which is obviously well known. Its center campus is not in my district, but we do have a satellite campus in Abington, a wonderful commuter campus. I met with a group of students who wanted to talk about health care. There was a young woman who talked about the fact that she was raised by a single mother, and she was on CHIP. I think all of us are very proud of the Children's Health Insurance Program. She said her mother made $20,000, $25,000 a year. She didn't get health insurance through her work, and there was no way that she was able to afford it on her own. She got CHIP, and she was always grateful that her kids had health insurance.

Well, this young woman was over 21. She no longer had access to CHIP. But she was working full time, was a full-time student; and because of the commuter campus, doesn't either require or offer a way for students to buy health insurance, she looked for it, but it was unaffordable for her. There was no way. She actually tried to find an affordable health policy but couldn't find one. So she took a chance. She had said just a short while before she had gotten sick; and friends of hers felt that she was sick enough that she ought to go to the emergency room; and she went to the emergency room and ended up with a $7,000 bill. I don't know if she was held overnight. We didn't get into the details of what care she received. But she was healthy. She was doing fine. But suddenly she is faced with $7,000 in a bill. She had no idea how she was ever going to pay that $7,000, stay in school and continue on her path. She had a promising future ahead of her. It was going to ruin her credit rating. All of these things. There were consequences; and yet she still said to me, Well, how can we be in this great country and not be able to help her out? I think that's why we're here.

It is for the 50 million Americans without health coverage, certainly for the many, many more millions of Americans who have health coverage who find that if they go to the hospital, something's not covered, that they have a pre-existing condition and are not able to find the coverage, even though they have health insurance. This is why we're here. I had one small business owner tell me, ''I want to be able to provide health insurance, but I can't afford it,'' or ''I provide it, but one of our small group of employees got a serious illness, and we saw a rate increase of 40 percent from one year to the next.''

We talk about double-digit inflation. We know that in the last 8 years, we've seen health premiums double in price; and of course we are concerned about the Federal Government as well. We have a deep concern about absolutely maintaining our commitment to seniors in this country under Medicare. They rely on it. Imagine our seniors not having access to health care. This is something that we did 35 years ago—not you and I, but any of you who were here—to get Medicare coverage for all seniors. But again, we see the unsustainable growth in costs. So what are we going to do about it? We actually have a bill before us. We passed it out of the Ways and Means Committee, it was voted on by the Education and Labor Committee; and of course, as we speak, the Energy and Commerce Committee is going through the bill.

What it does is it addresses just the issues, the concerns and the realities of the families that I talked about. It finds a way to bring down the costs under Medicare by really instilling in our system a goal of quality and the value of our dollars, encouraging primary care.

Part of the bill that I want to, again, thank the chairman, his staff and other Members for including in this bill is for the increased opportunity for loan forgiveness and debt repayment so physicians and nurse practitioners can go into primary care. Increased reimbursements in primary care. A new category of medical homes so that if a primary care physician, nurse practitioner or physician's assistant wants to be able to provide ongoing care between visits, make that phone call to see how somebody, like an early diabetic, is doing, make sure they get the kind of care that they need, make sure that they followed up on their prescriptions and that they're following the instructions, that they understand the diet and the exercise that they have to engage in so that they don't end up on renal dialysis years later, lose sight or any of the number of things that can happen with untreated diabetes, is just one example. We actually encourage payments that are bundled—that is our term—but it really basically says, We're going to look out for what happens to you in the hospital and when you go home. New possibilities of encouraging physicians to get together and provide both primary care and specialty care and to keep people out of the hospital. These are life saving and cost saving for the government.

We have got almost $500 billion in savings that have been already included in the bill that we have before us. And of course we have found ways to help small businesses with tax credits, to be able to provide health coverage for their employees and encourage all employers to cover health care. Then for the group that is already insured, to say, You're never again going to have preexisting condition exclusions; you are never again going to have to worry about the insurance companies finding a reason to deny coverage because of a health condition; that you won't again have to worry about going bankrupt because we will say, You don't have to pay any more than 10 percent or 12 percent of your annual salary. You will never again have to lose your home or go bankrupt over health costs. These are just some of the consumer protections that we are going build for people who already have insurance. And of course if you lose your job or you are between jobs—and many Americans change jobs every 3 or 4 or 5 years—that you will have that continuity of coverage. And last, but by no means unimportant, we are going to find a way to help all those 50 million Americans who don't have access to affordable coverage through a new marketplace called an exchange; and we're going set them in a benefits package; and we are going to provide some subsidies for lower income, working folks. At the end of the day, we're going to do what the President told us he wanted to do, and that is to contain costs for government, for businesses and for families. We're going to make sure that insurance is meaningful, and we're going to make sure that every American has access to health coverage. At the end of the day, it's going to be a great day.

Mr. RANGEL. I would like to recognize Dr. MCDERMOTT because when people have nothing to compete with, I think it's natural just for them to be critical. I hear talk, Dr. MCDERMOTT, that this plan that we're creating for all of America is actually a takeover of all insurance plans by the Federal Government. They say that the Congress and the Federal Government want to get in between a patient and their doctor and to watch out because the government is coming. It bothers me that they would say that because it would appear as though we're only talking about Democrats who are sick and have doctors. We're trying to help all Americans. Could you share with us the public option, what this does for America and what opportunity it gives to people who don't have insurance?

Mr. MCDERMOTT. Well, Mr. Chairman, you raise the issue I think that is probably our biggest and most tough issue to deal with, and that's the question of fear. People continue trying to convince people that they have to be afraid. We had a speaker here just a moment ago who had a beautiful picture of a little child, and the fear was that the government is going to come and take over their health care. Now nothing could be further from the truth in what we've put together.

If you look at America, you have 150 million people in private insurance. Then you've got 50 million people in Medicare; you've got 50 million in Medicaid; and then you've got 50 million who don't have anything. Now these people who have insurance today in their employment, each month when 300,000, 400,000, or 500,000 people lose their jobs, they suddenly are over in the basket with the people who don't have health insurance. So we're not talking about people who aren't trying or people who haven't been paying their taxes or haven't been working. We're talking about us, the middle class, who are in danger in this present system because if your employer stops paying your insurance, you don't have anything, and you're suddenly over here trying to buy it for yourself. It wouldn't matter if you are older, you've got a problem, you've got a problem kid or whatever. You are going to have a very tough time. Now the answer to that is for the government to say, Here is a public option that you can buy into at an affordable price.

The problem with individual insurance, most people by the time they're 30 or 40, you know, something's starting to go wrong, whatever; and the premium for those kinds of insurance programs is $1,000 a month. Many people are paying $12,000 out of pocket trying to buy an individual program. That is unreachable for most of the working class in this country. They can't come up with that kind of money. The only solution is to have a government-subsidized program that they can buy into.

Now people say, Ah, there it is. The government's going to make all the decisions. No. You're going to buy an insurance program that will be paid for by a government mechanism, but the delivery of the health care is going to be by private physicians, private hospitals, private nurses. The whole thing is private.

Mr. RANGEL. How could the government get in between the doctor, the hospital and the patient? What are they talking about?

Mr. MCDERMOTT. It's part of the scare tactics. If you watch television tonight when you go home, you will see commercials on there saying that the government is somehow going to get between—they did it in '93, '94. It was Harry and Louise. Harry and Louise were sitting at the kitchen table, and Harry says to Louise, You know that Mrs. Clinton, she is going to take away our health care. They're doing that same thing again now, making it appear that that's what's going to happen when no such thing is being planned.

□ 1945

There is no question that the government is not going to be between you and your doctor and making a decision what needs to be done.

Mr. RANGEL. Well, why would the private insurance companies be against the public option? I mean, if the Congress is saying—and the President wants—that we have 50 million people out there with no health insurance, another 25 million with low health insurance, and we are now going to give them a subsidy, we are going to give them enough money so that they can walk in and get the type of health plan they want, why would the health insurance companies out there fight against, campaign against, put ads against the public option? Why would they do this?

Mr. MCDERMOTT. Well, because our bill, CHARLIE, has one thing in it; it says to insurance companies you can't cherry-pick the healthy patients you want to take care of and leave the sick ones to somebody else.

What we say is if you're an insurance company, you've got to cover everybody; you've got to open the doors wide and let anybody come in. Insurance companies don't want that. What they want are healthy patients who pay a premium, for whom they have to pay out very little money, then they can give the rest to the stockholders. Now, there's nothing wrong with that, that's the free enterprise system. But they're afraid that if we have a government system that is there for the people's benefit and has a 3 percent overhead, whereas an average insurance company overhead is 14 percent—and they know the people are going to take the lower premium in the government plan, or they're afraid of that—so they say, you've got to put us on a level playing field.

Well, you can't make profit off people's sickness and have a level playing field with a government plan.

Mr. RANGEL. Well, let me ask Congresswoman SCHWARTZ. If, indeed, the private insurance companies are fighting against the public option, does our legislation demand that a person has to join the public option? How does that work in our legislation?

Ms. SCHWARTZ. Right. It's a really good question. Of course not. We are not in any way telling people where they have to get their coverage or where they have to buy their insurance. If in fact people get a subsidy—and, really, understand that everyone is going to have to pay something. We're not giving away too much free here, everyone is going to pay their share. We're going to help people.

But we're saying to the insurance companies, fine, come in and compete. That's great. We're going to create a marketplace where you can offer new products to another 30 million, almost 40 million people, and then each of those individuals or families or very small businesses will be able to choose between private insurance companies and a public option.

I see that the public option is an opportunity to ensure that there really is competition, because I think in many of the markets across the country we have one major insurance provider, that's it; so not a lot of competition. If you believe in the free market system, you need a little competition there. If you only have one product to buy, and it's very expensive, you don't have a lot of choices.

The insurance companies—I'm not here to beat up on insurance companies, but I will say, they have said if everyone's in, they want to be able to have the opportunity to sell a good product to people. That's fine; we're fine with that. We want them to step up to the plate and offer new insurance products to individuals and small groups. And again, as Mr. MCDERMOTT said, make sure it covers certain benefits, it doesn't exclude people, it doesn't cherry-pick, as you say.

There are going to be rules. And we are going to make sure that consumers are protected under these rules. That is very important. But no one is going to be told to go into the public option, no one. They can choose the insurance.

Mr. RANGEL. Well, Dr. MCDERMOTT, I've heard Republicans say on this floor, in this House of Representatives, and others on television, that this public option that's being offered to people to take if they want it is really a Democratic socialistic, communist attempt to knock out the private sector. Where do they get this idea, and what do they mean?

Mr. MCDERMOTT. It's very strange. And people who talk about believing in competition and believe in the marketplace, as Representative SCHWARTZ says, there are places in this country where there is only one option; and if you have nobody to compete with, they control the prices. And for them to get the idea that it's socialistic to put somebody in there to compete is really saying they're afraid to compete.

They know they can't win. They have failed over the last 18 years. They knocked out Mrs. Clinton's efforts in '93. They had an open field. The entire country was open to the private sector, and they cannot figure out how to cover 50 million people. So we come stepping in and say, we have a way. And they say, oh, no, no. If the people ever get wind of what you're doing, they will leave us. They're afraid that people will leave them because they have been in it for the profit and not in it for the benefit of the patients. And that's really why I think they're afraid.

Mr. RANGEL. Well, some of the private insurance companies say we just don't have enough resources to take care of all these poor folks that you're giving subsidies to. Let me ask you, Congresswoman: Is there anything that we're doing to provide the workforce and to provide the environment so that sick people can feel secure in getting health care once they have the subsidy?

Ms. SCHWARTZ. Right. And understand that subsidies are provided. Poor people in this country do get Medicaid, and we're expanding that. These are really people who work—and many poor people do as well—every day and simply don't make enough money to be able to afford the high rates of insurance. That's part of it. We want to bring down the cost of the insurance. Again, we hope that the private insurers step up to the plate and help us do that, but they haven't done a great job of containing costs over the last number of years which is why we're in this situation.

But once people have insurance, we are really working hard to make sure that the delivery system, all those doctors and nurses and—well, you can name all the other health providers—are both available and that we're training enough. We anticipate that if we don't do something about the lack of primary care physicians, in 2025 there will be 46,000 too few primary care doctors. That is pretty astounding. A lot of us are getting older—all of us are getting older, I guess—neither of you are, of course—but we also want to make sure that we have the kind of care for every age.

And we're not getting the quality out of the system that we know we should, and that also is an issue that we have taken up in this legislation. We want to encourage our hospitals and our doctors, through financial carrots—there might be some sticks, but mostly we are really creating incentives for our doctors and our hospitals to improve quality.

One of the examples that many of us are becoming aware of is infections that you get in a hospital, or when you leave the hospital after surgery, that you don't have the right kind of followup once you get home and you end up back in the hospital. That's not only really hurtful for the person who is affected, who's sick, but it's also very expensive for all of us. So if we can, and our hospitals can, if we can encourage our hospitals—and in fact insist upon our hospitals really making sure that they reduce the number of infections and readmissions, we would all be better off. And that's what we're trying to do.

There are many pages of what we call delivery system reforms, ways in which we are encouraging everything from home visits after a baby is born to a family, to, as I talked about, primary care, medical homes, and ways that doctors will be able to organize themselves in a way that is much more efficient in quality.

And we're setting out a real goal of changing some of the ways we pay doctors and hospitals, to encourage them to really look at quality and to save dollars and improve health outcomes. That is one of the most discouraging things; for all the dollars we spend, $2.5 trillion—not all government, half of it's in the private sector—we don't have the kind of healthy Americans

that we should. And that is part of our goal, here, to extend coverage, for the government to be smarter in the way we finance it, and for people to take more personal responsibility in their own health care as well.

Mr. RANGEL. Dr. MCDERMOTT, before you came here you've practiced, you've been out here, you've worked with patients and doctors and hospitals. One of the most frightening thoughts that we have is that you get sick and you don't have enough coverage—or you don't have any coverage—you face bankruptcy, you lose your home, you lose your dignity, and sometimes even lose your family merely because you didn't have the resources to deal with a catastrophic illness. What provisions are in this legislation to protect Americans against that?

Mr. MCDERMOTT. Well, the plan that would be provided for every American who was in a health insurance plan, whether the private one they were in before or the one that they're in in the government option, would give them the protection for the basic things that everybody needs in a health care system.

I have a story you reminded me of. One night I was going out of a hospital in Seattle and a telephone operator stopped me and said they want you up on the coronary care unit. So I went up there, and there was a guy putting on his clothes and said, I'm leaving the hospital. He had had a heart attack the day before. They wanted him to stay in the hospital. He said, Look, I have no health insurance. If I lie in this bed, it costs me $1,000 a day, and I can't afford it. And what if I die? I then leave my family with a big bill. So either way I'm caught. And when we put this program together, we give people the assurance that if you have a heart attack, or whatever, and you need hospitalization, you will being taken care of.

Mr. RANGEL. Well, let me thank the speaker and Mr. ELLISON and Ms. WOOLSEY for giving us an opportunity to share what's in our bill. We will be back tomorrow. And we hope during August all Americans can look forward to the President of the United States signing a bill that will give them confidence that wellness is the top priority for this Congress.

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

THE PROGRESSIVE CAUCUS ON HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 30 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, this is the Special Order hour of the Congressional Progressive Caucus. We come every week to talk with each other and to talk on the House floor about a progressive vision for America, a progressive vision that embraces everybody, where we all do better when we all do better, a progressive vision that says that the greatest moments of American history were when we passed the civil rights bill, when we invested in our infrastructure during the Roosevelt era. The greatest moments in American history were when we passed the 19th Amendment recognizing the right of women to vote. These are the great moments of American history. And this great tradition of a progressive vision for America is what we carry on week in and week out. I want to say that if you want to communicate with us, our Web site is here at the bottom of the page, cpc.grijalva.house.gov.

What I would like to do, Mr. Speaker, is right away turn the microphone over and yield to our caucus cochair, one of the stalwart, big-time fighters who never backs down and always is for the people, who has lived it, who knows it, and who is now representing the people of California in a great struggle to promote a progressive vision, none other than Congresswoman LYNN WOOLSEY—who, by the way, has more 5 minutes against the Iraq war than anybody else in history. I yield to the gentlelady from California.

Ms. WOOLSEY. Thank you very much. And thank you so much, Congressman ELLISON, for doing this every single week for the Progressive Caucus because we do have a progressive message, and by the end of the day, we sometimes think that we are too tired to come down here and talk about our message.

We are in the middle of a health care debate right here in the House of Representatives. And as Congressman RANGEL told us, two of the committees have marked up, written, and are ready to present their health care bills. One of the committees is Ways and Means, the other one is Education and Labor. The Energy and Commerce Committee is working on it right now. And we're going to leave before the end of the week, and we're going to go off while our leadership and the heads of those three committees put the bill together out of these three committees.

One of the committees, what's happening in Energy and Commerce, the progressives disagree with very, very severely. So we have written a letter to our leadership, to the Speaker and the three chairmen of these committees who will be writing this, pulling these bills together, laying out what the progressives in this Congress stand for, once again, regarding health care.

I'm going to read this letter because I think it's very important. We have 57 Members of the House of Representatives who have signed this letter just today.

□ 2000

I'm reading it to make sure it is in the RECORD.

It says: ''Dear Madam Speaker, Chairman Waxman, Chairman Rangel, and Chairman Miller, we write to voice our opposition to the negotiated health care reform agreement under consideration in the Energy and Commerce Committee.

''We regard the agreement reached by Chairman Waxman with several Blue Dog members of the committee as fundamentally unacceptable. This agreement is not a step forward toward a good health care bill but a large step backwards.

''Any bill that does not provide, at a minimum, for a public option with reimbursement rates based on Medicare rates, not negotiated rates, is unacceptable. It would ensure higher costs for the public plan and would do nothing to achieve the goal of keeping insurance companies honest and their rates down.

''To offset the increased costs incurred by adopting the provisions advocated by the Blue Dog members of the committee, the agreement would reduce subsidies to low- and middle-income families, requiring them to pay a larger portion of their income for insurance premiums, and would impose an unfunded mandate on the States to pay for what were to have been Federal costs.

''In short, this agreement will result in the public, both as insurance purchasers and as taxpayers, paying even higher rates to insurance companies. We simply cannot vote for such a proposal.''

Mr. ELLISON. So as the Chair of the Progressive Caucus, along with Congressman GRIJALVA, are the Progressives and others hanging tough and sticking up for a robust public option?

Ms. WOOLSEY. That is what this letter is all about. We just want the Chairs of all three committees, when they moosh the three bills together, to know that the Ways and Means Committee and the Education and Labor Committee have bills that we can support. Do not weaken those bills with what is being proposed in the Energy and Commerce Committee this week. That is our goal. And it was not only Progressive Caucus members. It was also the TriCaucus that signed onto this, which is the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Asian American Caucus.

So this is our letter. This is what we stand for, and this is what we're hoping we will have when we are voting for real health care reform later this fall.

Mr. ELLISON. We thank the gentlewoman for reading that letter into the RECORD.

I want to say that we are joined by Congresswoman EDWARDS of Maryland, who has been a courageous fighter for many issues but has not shrunk from the battle in this fight for real health care reform.

Let me ask the gentlewoman, I think Congressman MCDERMOTT has a quick thing he wants to say. So, if the gentlewoman will allow me to yield to him first, then I will yield to her.

Mr. MCDERMOTT. I appreciate your giving me a chance to say something. I spoke a little earlier. But one thing I wanted to say. In Seattle they announced that on August 1 the premiums on insurance policies are going up 17 percent.

Now, when people talk about fear and they have to fear the government and fear the government option, this is a real fear. This 17 percent increase in Seattle is going to hurt people badly. Some people are not going to be able to afford continuing their insurance, and that's why it's so important that the Progressive Caucus, led by you and by Ms. WOOLSEY, are out here making sure that people understand there is an option to these absolutely unacceptable increases in premiums.

Nothing else has gone up 17 percent. Housing prices have dropped. Gasoline prices have dropped. But health insurance? Up 17 percent. The only way we are going to stop that is with a government option that makes competition.

Thank you for the work that you are doing. And I again say thank you to the gentlewoman for letting me speak.

Mr. ELLISON. Thank you, Dr. MCDERMOTT, for your passionate advocacy.

Now I yield to one of my favorite Members. I love to hear her talk about these issues because she is so articulate. I yield to Congresswoman EDWARDS.

Ms. EDWARDS of Maryland. I thank the gentleman from Minnesota for yielding.

We have been here talking about health care reform, and sometimes out in America when they watch Congress, they might think that this is about Blue Dogs and Progressives and liberals and conservatives and Republicans and Democrats, but health care reform is actually about people.

It's about, for example, a young woman in my congressional district from Hyattsville, Maryland, Ariella, who writes to me that she was 13 years old when her father developed cancer and they were struggling without insurance. And she said no one should be 13 years old and wondering if the insurance company would pay for her father's treatment so that he could see his daughter's next birthday. ''Your support and determination to improve this system means the world to so many of us. On behalf of my family and the American Cancer Society, thank you.''

It's about Ariella, and it's about the millions of people across the country who don't have health care. It's about millions more who are underinsured, and it's about millions who are insured and are paying skyrocketing costs just discussed by our colleague from Washington, skyrocketing costs of premiums and deductibles and copays that are rising three times the rate of wages.

A good friend of mine from New Hampshire, one of our colleagues, put together this chart, and it shows what the alternatives are. And we can either really work for reform together or not.

Some people know that if you don't have any money and you don't have any insurance, you get sick and it's a disaster. If you have a preexisting condition and you don't have health insurance, you get sick and it's a disaster. If you're laid off and you don't have insurance, you get sick and it's a disaster. If your employer drops your coverage, you don't have any insurance, you get sick, it's a disaster. And so, really, the Republican plan for health care reform is just don't get sick. Well, that's not an option for most Americans.

I know that we have a process here, and I think Americans across the country, Mr. Speaker, are really trying to understand that process, but that's kind of internal. It's not about Ariella who doesn't have health insurance. I know that probably so many of our offices here in the Congress have received letters just as I have from people throughout my congressional district who are begging us to reform this health care system.

They are begging us for their 77-year-old mother who has a gap in her health insurance. They're begging us for their cousin who has breast cancer, who's not getting paid to work, is too sick to go to work, but can't afford even to stay home and to get treatment. They're begging us for their children who have preexisting conditions and can't get insured at all. The American public is begging us to do something about health care reform. We can't just have a plan that says just please don't get sick.

I tried that plan. This Member of Congress tried that plan. Seventeen years ago I didn't have health insurance, and I just crossed my fingers every night not to get sick. I ended up getting sick. I was sick in the produce section of the grocery store. I passed out. I was rushed to the hospital emergency room. And I ended up with thousands of dollars in health care costs. It took me years and years to pay it off. I almost lost my home as a result of that. No American should have to make that kind of decision. And you know what it would have been? It would have been a couple of hundred dollars to go visit the doctor and get some antibiotics, and instead it was thousands of dollars, a financial disaster, and almost losing my home in the process. That's what Americans are suffering from right now, and that's why we have to fix this system.

Now, I know, Mr. ELLISON and Mr. Speaker, we have a process, but that process has to involve, I believe, a public health insurance option that says no matter if you get sick, if you don't have insurance now, you're going to be covered, and we are going to bring down the cost for everyone. That's what Americans want. And it doesn't matter whether you're a middle-income family, a working family, a poor family. You shouldn't have to make a life decision about whether you and your children and your family get health care because you can't afford it.

So I'm excited about the prospect for reform. But I know that there are some bad guys in this fight and the bad guys are out there. I want to share with you who some of those bad guys are because the challenge for us is helping the American people understand that in this country there are people who share interests who don't want to reform the system. The big winners in this broken health care system, let's look at who they are:

The CEO of United Health Group, Stephen Hemsley, his annual financial report, United Health made $81.2 billion. Their net income, $2.9 billion. His salary, $3.2 million.

Mr. Speaker, this is what's at stake.

The CEO of WellPoint, Angela Braly, $61.3 billion they made. Their income, $2.5 billion. I mean, Americans can't even count these zeros because we don't understand them. What was her salary? It was $9.8 million.

I mean, this is outrageous. This is the money that that's at stake.

The CEO of CIGNA, Ed Hanway, the annual revenue, $19.1 billion, $292 million in net income. His salary, $12.2 million.

Let's call out these names because I think it's important for Americans to put the names on the faces of those who are reaping billions of dollars of profit, netting millions of dollars in salary, and then taking the American public to the bank without health care reform.

The CEO, Ronald Williams, of Aetna, $30.9 billion in revenue for Aetna; $2.8 billion in net income; and his salary, $24.3 million.

This is outrageous. There's a lot at stake. I understand why these folks are fighting health care reform. I understand, because they stand a lot to lose. And our job here in the United States Congress is to make sure that it's the American public that wins, that it's the taxpayer that wins, that it's the patient that wins, that it's the doctor who has a relationship with their patient, and not these insurance companies standing between you and your health care, between you and your doctor.

Mr. ELLISON. I actually have a few questions, but I am going to yield to the gentleman from Illinois.

Before I do that, I just want to say that if we just took some of these salaries that are out there and put them into providing care for people, maybe we wouldn't have nearly 50 million people without health care and another 25 million without adequate insurance. It's really outrageous. And they're spending about $1.4 million a day to lobby against health care, and that's nothing but pocket change for some of those folks, and I can see why they would do that.

With that, I will yield to the gentleman from Illinois, Congressman DAVIS.

Mr. DAVIS of Illinois. Thank you very much, Representative ELLISON.

Let me, first of all, commend you for the leadership that you continue to display as the message leader for the Progressive Caucus. I see you here every week and oftentimes Representative EDWARDS is here with you. So I'm pleased to join you and her and Representative MCDERMOTT, with whom I serve on the Ways and Means Committee, and I know that Chairman RANGEL was here a few minutes ago and others.

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You know, as I listened to Representative EDWARDS and as she talked about the winners and the losers, it is amazing that individuals in the health care arena are earning these kind of salaries, and that people are able to somehow or another not want to pay, and people somehow or another don't want to add a few extra dollars.

I come from a county with over 5 million people, and unfortunately, many of them are low income. They are poor. Many of them don't have any insurance at all. They don't have any way to access care, any way to be taken care of. Some of them go to emergency rooms of hospitals that are as many as 8 and 10 miles away in an urban area, and they can't get there.

To think that we now have an opportunity to reform, in a real way, health care delivery and to create the kind of health care delivery system that says that all of our citizens have worth, I don't know how those who are opposing a public option, I don't even know how you could begin to talk seriously about reforming our health care delivery system without a public option.

I have sat through the many hearings that we have had in Ways and Means. I have sat through countless hours of discussions with staff and experts. No matter what we come up with, we know that we need a robust, not a minuscule, not a weak, not an anemic public option, but we need a real public option, one that can help build upon the network of community health centers that we have spread across the country, which have proven to be worth their weight in gold, which have proven that they can deliver first-rate health and medical care in a cost-efficient way with individuals who understand the language, the culture, and the lifestyles of the people who come.

I agree with the Progressive Caucus members, as well as others, that there just ought not to be a plan without a serious public option.

Again, I want to commend both of you for the tremendous leadership that you continue to display. I know with the kind of attention and care that you give to these issues, that our Congress and our people are going to be in good shape for many years to come.

So, it has been a pleasure for me to stop by and to join with you and have a few words to say. Of course, you know, I remember a term we used to use a lot back in the sixties and seventies. We used to say ''a luta continua,'' meaning that the struggle must continue and we will conquer, without a doubt. If we dare to struggle, we dare to win.

Thank you so much. It is a pleasure to be here.

Mr. ELLISON. Let me thank you again, Congressman DAVIS. You have been putting it out there for so long. There are 57 Members who insist upon a robust public option. It is wonderful to count you among one of those. I think the American people can rest assured there are people in this Congress who are sticking up for their interests and fighting for them, and your leadership in that regard is inspirational. Thank you, sir.

Mr. DAVIS of Illinois. Thank you very much.

Mr. ELLISON. Let me then yield back to the gentlelady from Maryland, Congresswoman EDWARDS. You have got some pretty good stuff over there. What else do you have?

Ms. EDWARDS of Maryland. I have thought about this a lot, as many of us have, and I know that our leadership, the Democratic leadership in this Congress, is moving toward reform at a pace and for a reason that we know is really important. We also know that our President wants real reform. So I think the importance of the discussion that we are having this evening is about how we define reform, particularly how we define a public option and why it is needed.

I think Congressman DAVIS said it, that the system won't really work without a public option. We won't be able to bring down costs without a public option. We want people to have choice, the choice of their doctor, choice of their providers. We want people to have the choice to look at the various plans stacked up against each other and say, I want this one over that one. We can do that with a robust public option, one that is tied to the Medicare network.

Today is the 44th anniversary of the enactment of Medicare, and it is instructive that we are here on this day, because there are those who like to say government can't do anything, government doesn't know how to do health care. Well, government sure knew how to do Medicare, and for 44 years people in this country have had the benefit of Medicare, have had the benefit of a Medicare provider network.

That is the kind of network we want for a public option, one that has doctors. We need more doctors, and this legislation that we are looking at will provide more doctors and more nurses. It will ensure that people can get primary care and preventive care. It will ensure that people aren't excluded because of preexisting conditions, and we know that is a problem.

So there are a lot of good things that we have to celebrate about where we are today. But we also have to be vigilant, as Congressman DAVIS said. We have to be vigilant to ensure that we have a robust public option tied to the Medicare provider network and that relies on a payment structure that is stable so that we can inject real competition into the system. Not competition upward for premiums and deductibles and copays, but competition downward, so that we can lower costs, provide quality care, and have a choice of doctors.

I have been thinking, Congressman ELLISON and Mr. Speaker, I have been thinking that there are a lot of enemies to reform and there is a lot at stake out there. There is money flowing all over the system. Not just the CEO salaries and the bonuses and the profits. That is bad enough. So the insurance companies have a lot to lose. And, do you know what? We found out that that is why they have decided that they are going to put skin in this game, and the skin that they put in the game to oppose reform is in the form of their money.

All you have to do is follow the money to know why the enemies of reform are galvanizing. We have to be strong and courageous in our fight against them and for the American people for health care reform.

If you follow the money, let's look at CEO compensation, $85.4 million. Lobbying expenditures, what they have been spending to fight reform, $62.5 million. PhRMA alone in the pharmaceutical industry has spent $233.7 million. And look at their profits, $8.4 billion. This is a lot of money that is at stake.

So if you follow that money and then follow it right to campaign contributions, they have been throwing campaign contributions all over the map; $28 million, or $220 million for the 10-year period from 1998 to 2008. And do you know why? Because they don't want reform.

That is why it is up to those of us in the Congress who are looking out for regular people, looking out for people throughout our congressional districts who really are struggling to pay their premiums and their deductibles and who are struggling to pay their copays that are going up.

I look at my own district. We have a lot of people actually who have health insurance, and the reason is because they have it through their employers. But even their employers are really struggling now. It is getting in the way of our competitiveness. It is getting in the way, because people know that they can't afford, anymore, these premiums. The premiums are going up three times the rate of our wages.

But do you know what? The wages of those CEOs have been going up. Some of their wages have gone up 26 percent in just this last year. But have any of us seen our wages go up like that? The American public hasn't, and it means that those deductibles and those premiums and those copays are no longer affordable.

Mr. ELLISON. Reclaiming my time, the reform that we are talking about

includes employer-based health care, where there couldn't be an exclusion for preexisting conditions. There are the existing government programs, Medicare, Medicaid. Part of the money, if we get the version we are looking for, would be to help States cover everybody for Medicaid.

Then the third thing, this would be new and would include a robust public option. The public option would be a program run by an agency in the government that would be not looking to generate a profit. In that case, would the public option that we have been talking about, would they be reaping a portion of those, what is that, $84 billion in profit? Would that be a cost measure within the public option, if we were able to achieve that?

Ms. EDWARDS of Maryland. Well, I think that what would happen is that the public option would be so competitive. Keep in mind that the CEO of the public option, the Secretary of Health and Human Services, doesn't make $9.8 million a year. It is a basic government salary, I don't know, about $175,000 or $185,000 a year to run all of Medicare. Our CEO is a government employee who doesn't make a ton of money, who is not reaping millions and millions of dollars in compensation.

This is only compensation. Maybe next time I will bring the bonus chart. That would require a lot more zeros.

But I think really there is so much overhead in the private insurance, and it is really sending costs up. All we want is a public option, and what the American people want is a public option, because something like 70-some percent of the American public actually support a public option, and what they want is something that competes with the private insurers.

After all, Mr. ELLISON, I am not really sure what the private insurers are afraid of, because if they believe in the free marketplace, put the public option in there, let it compete in the free marketplace, and I will tell you what, the competition will be on and costs will be down.

Mr. ELLISON. That is right. And lobbying expenditures, CEO compensation and profits will not be there.

We will have to yield back and be back the next time. This has been the Progressive Hour.

NOTICE OF CONTINUING EMERGENCY WITH RESPECT TO SOVEREIGNTY OF LEBANON—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–59)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2009.

In the past 6 months, the United States has used dialogue with the Syrian government to address concerns and identify areas of mutual interest, including support for Lebanese sovereignty. Despite some positive developments in the past year, including the establishment of diplomatic relations and an exchange of ambassadors between Lebanon and Syria, the actions of certain persons continue to contribute to political and economic instability in Lebanon and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.

THE WHITE HOUSE, *July 30, 2009*.

DOCTORS HOUR

The SPEAKER pro tempore (Mr. KRATOVIL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. CASSIDY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CASSIDY. Mr. Speaker, we are pleased to be here. We call this the Doctors Hour because there is a fair number of us on the Republican side who are physicians or in some way health care providers, optometrists, a practicing psychologist, or in some other way connected with the health care field. So we give our own perspective.

Now, my own bio, if you will, aside from being a physician, I have worked with the uninsured in my State of Louisiana for the last 20 years.

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That's almost 90 percent of my practice, working with the uninsured in a public hospital. And so, when I speak of what we need to do to help the uninsured, it is purely flowing out of my life experience. I think that as the others come up I'll give them a chance to speak as to it what they're about. I'll start off with a couple of comments. I've learned in my 20 years of, whether private practice or public practice, that the only thing that lowers costs is if you make things patient-centric. If the government is in charge, or the insurance company or a bureaucracy run by anybody is in charge, it becomes something that doesn't work for the patient. The patient's separated from costs. They have a harder time accessing benefits. It just doesn't work.

On the other hand, if you put the patient in the middle, if you tell that woman, listen, you can go see the physician you wish to see and when you go in there there's minimal administrative hassle. And if you don't like that physician, you can go see another physician. It really works. The patient's satisfied, and typically, the patient/physician relationship is stronger. And key to getting good health care is having a strong patient/physician relationship.

Now, frankly, I think the only thing innovative that we've heard from the other side, although their plan kind of is changing on a day-by-day basis, is in one sense, the only thing about that plan which is radical is that it nationalizes health insurance. I was a little amused by my Democratic colleagues earlier who were saying, Oh, my gosh, Republicans are defending insurance companies. No, actually I think they're defending insurance companies. They like insurance companies so much they want to nationalize it and have a national insurance company.

Now I'm thinking, now we have an insurance company run by the private sector that, if it doesn't work, constituents call Congresswomen, Congressmen, we pass a law that changes that, changes that so that the private insurance company plays by better rules. Now, though, it's going to be both the referee and the player. Now the government will make the rules, but also compete. And as it does that, in some way, we're supposed to expect that the government-run insurance company is going to be kinder and gentler, more cost-effective, higher value product than is the private insurance company.

I think it's the triumph of hope over experience. We hope it will be better. We know Medicaid and Medicare don't work as we wish; in fact, they're going bankrupt, and their bankruptcy is what's driving this plan. And so we're going to believe that the third try is going to be the charm and that this time we get it right. Well, without going further, I'll yield to my fellow physician from Louisiana, JOHN FLEMING.

Mr. FLEMING. Well, I thank my friend and fellow colleague, both a physician and fellow Member of Congress, BILL CASSIDY, and also fellow Louisianan. And of course tonight we're going to be talking about a lot of different things relative to what is really the hottest topic maybe in a decade, health care reform, which both sides of the House are very interested in.

You know, you hear often from this side of the aisle that well, for heavens

sakes, we want health care reform. But you guys, on the other hand, Republicans, you want the status quo. Well, I can tell you personally, that I ran for Congress with the overarching intent of getting up here and participating in reform. What I want to bring forth first, before we get into some more details is, I think there's a litmus test as to how good a government-run system is, that proposed by the President and the Democrats. And so, the question is, a rhetorical question is, if it's so good, then shouldn't Congress be the first ones to sign up for it individually, for them and their families?

And, in fact, to see to that, I set forth House Resolution 615, which is supported by 66 Republicans, including our leadership on down, and all it says is that if a Member of Congress votes for a government-run health plan, a public option, if you will, then he or she is willing to forego the waiver, the carve out, the exception, if you will, that's built into their version, and join it immediately for themselves.

Mr. CASSIDY. Now, Congressman FLEMING, how many Democratic cosponsors do you have?

Mr. FLEMING. I'm sad to say to my friend, and I thank you for yielding back, that so far we have no Democrats, goose egg, zero Democrats.

Mr. CASSIDY. Now, reclaiming my time, because we heard a presentation prior to this that, by golly, this is the best thing since sliced bread; this is the plan that's going to fix everything, and why wouldn't you be on it. So I'm kind of asking you, Dr. FLEMING, why wouldn't they want to be on it.

Mr. FLEMING. Well, I think that is the $100,000, or shall I say, $1.6 trillion question, because apparently they're not so enthralled with it that they would like to be in it themselves. And in fact, I put it to the test by actually putting it on my Web site and asking people if they would like their congressman to support it, that they would actually reach out. We have 150,000 Americans who signed the petitions, and the number is growing drastically every day.

And so I would say that, as we go through this debate, that we simply ask our constituents out there to hold us in Congress accountable by contacting your Congressperson or Senator or even the President and say, Mr. President, Mr. or Ms. Congressperson, Mr. or Ms. Senator, will you go to fleming.house.gov and sign up, cosponsor or whatever, House Resolution 615, that simply says that if you're willing to vote for it you're willing to join it.

Mr. CASSIDY. Now, reclaiming my time, and I appreciate that because, again, what we've heard before is that this plan does not put government between the patient and their physician. And yet, I would have to think, if that weren't the case, why wouldn't anyone agree to your bill? I think your amendment was proposed in our committee, and it was defeated on party line votes. So I think Dr. ROE, from Tennessee, may have some thoughts as to what would come between the patient and the physician. I keep emphasizing that because if something's patient-centered, we know the closer it is to the patient, the more likely it works. So let's ask Dr. ROE, a physician from Tennessee, what might come between the patient and the physician. Dr. ROE.

Mr. ROE of Tennessee. Thank you, Dr. CASSIDY. This evening members of the GOP Doctors Caucus want to talk to you about health care solutions. All of us are physicians who ran for Congress, in part, because we saw challenges in our health care system and wanted to be part of a debate on how to improve it. This is my first term. And when I first arrived I was energized by the opportunity to reform how the health insurance industry works and help make health care more affordable, which are probably the two biggest complaints about today's system.

I quickly realized, however, that the House Democratic majority had a radically different vision of how health care should be delivered. Rather than allowing patients and doctors to make health care decisions, House Democrats' plan is to have Washington bureaucrats decide what is and is not allowed based on its cost effectiveness.

Mr. CASSIDY. Dr. ROE, can I reclaim my time?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. Can you show me up there where there is a Washington bureaucrat on that chart? Where might there be a bureaucrat on that chart? Show me where the patient is and show me where a bureaucrat is.

Mr. ROE of Tennessee. Well, the patient, Dr. CASSIDY, is here and here. These are the patients over here. And this person right here, whoever this may be, will be one of the most powerful people in the U.S. This will be a health care commissioner who will decide what is adequate and not adequate insurance coverage. This bureaucrat right here will be very much in those health care decisions.

Mr. CASSIDY. So unlike the Republican plans, which are patient-centric, what you're telling me is this is kind of a top-down, let's figure it out from Washington and lay it on the rest of the country.

Mr. ROE of Tennessee. That's correct. And the solution should come the other way, from the grassroots up. Absolutely. In addition, they, the bureaucrats would create a system so complex that today's system would look like a walk in the park. And then to put the framework in place for government-run health care, the plan called for creation of a government-run insurance company, the so-called public option, which would, over time, bleed out the private insurance industry, because it would be mandated to pay rates less than the cost of care.

In my district, the First District of Tennessee, they call this socialized medicine, and they've sent me here with a very clear message to deliver. Please defeat this bill. People in my district want health care reform. They really, really do. I talk with people all the time who hate insurance companies, and in my time as a doctor, as you all have, I've often spent more time on the phone getting an insurance company to approve a procedure than I did actually doing the procedure. I also talk with people all the time who believe that reform is possible and that results in them getting the same care for less money. And I tell them it's possible, if we focus on rooting out waste in the system.

But even with this desire for reform, people in my district are clear that increasing Washington bureaucrats' roles in health care is not the direction they want our health care system moving in.

Mr. CASSIDY. Dr. ROE, can I reclaim my time?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. Of course we don't want this to be a partisan issue. Now frankly, as far as I know, Republicans have not been invited into the discussion. And there are actually some things in that Democratic plan, those thousand pages, that I think are very good. But there's other things, and I think they kind of general concept top-down. But it's not just us.

David Brooks is a columnist for The New York Times. You see him on TV, a very thoughtful man. I have a quote here. The health care system is as big as the entire British economy. There's no way something that big and complex and dynamic can be run out of Washington. We have to set up a dynamic system, not trying to establish a set of rules to be imposed by fiat. Now, I think what you're telling me is that this is a big, complex plan run out of Washington, and not the dynamic system, but rather a set of rules, and whoever that really powerful person is in that purple box, that person will be establishing the rules by fiat. Is that a fair statement?

Mr. ROE of Tennessee. That is correct. And one of the things, Dr. CASSIDY, I think that's very important, that I've heard, and I've got some other comments in a minute. But I think it's very important when you hear about the cost of this health care plan. This plan's somewhere around $1 trillion over 10 years, which doesn't start paying any money out in the plan till 2013. So really, it's $1 trillion over 5½ years. Now, let me just explain why that is an extremely low number.

Mr. CASSIDY. Hang on. Hold that thought. Let me give one more David Brooks quote and call on our colleague, Dr. FLEMING okay? Another David Brooks quote talking about the CBO report, speaking about how much it would cost. This is devastating. The plan was sold as a way to bend the cost curve to reduce the rate of health care cost growth. Instead, the cost of the plan to the Federal budget would rise by 8 percent a year, and there wouldn't be anything close to offsetting revenues to pay for it.

Now, Dr. FLEMING, can you sustain a health care system which has out of control inflation, if you will?

Mr. FLEMING. Well, my answer to the gentleman is that I would look to the experience of other health care systems in other countries. If you look at Medicare and Medicaid, we've not been able to do that. Medicare is running out of money. We don't have a solution to that. The States all across the country are having tremendous difficulty figuring out how they're going to pay for Medicaid budgets, their part of it. And then if you look at the U.K., you look at Canada, countries around the world who have these systems, none of them have been able to claim that they can control costs. They're inflation rates are 10 percent or more.

Mr. CASSIDY. Reclaiming my time, part of this plan is to increase Medicaid eligibility, i.e., put more people on to Medicaid. Yet what we've just heard is that Medicaid is bankrupting States, or causing them to raise taxes.

Mr. FLEMING. Absolutely.

Mr. CASSIDY. So going back to my question, if you cannot control costs, can you sustain a health care system?

Mr. FLEMING. In my opinion, no, because, again, if you can't do it for a smaller system, how can you enlarge the system and somehow make it mysteriously work, particularly when there are no models? Massachusetts, Tennessee, TennCare, and so on and so forth, no one has an example of a government-run system that works.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. CASSIDY. I will yield.

Mr. ROE of Tennessee. Let me just tell you the folks out there, and we're going spend about the last half of this hour talking about the positive solutions and what we do agree on. But when I first came to D.C. and I heard of this public option I said, I've heard this before. And in Tennessee, in the early nineties we had managed care that was going to control the cost. We got a waiver from HHS and formed a program called TennCare, where we had about 8 different managed care organizations competing for your business. Now we have one.

In the 1993–1994 year, the State of Tennessee spent combined Federal, State revenue, $2.5 billion. Eleven years later, 10 to 11 years later, that had gone to over $8.5 billion. It had tripled and took up almost a third of the State's entire budget. We were complaining about 17 percent now. This took up almost a third and almost every new dollar that the State took in.

Mr. CASSIDY. Reclaiming my time, let me just praise the motivations of the people in Tennessee. They clearly cared about the uninsured, as our Democratic colleagues, are. But it was a flawed model and couldn't be sustained, and we know that those patients were now uninsured again, probably worse off than before the experiment.

Mr. ROE of Tennessee. Well, actually, what happened, just to go over that a little bit, over that period of time, in Tennessee, it was a noble goal to cover as many of our people in our State as we could. But over a short period of time, 45 percent of the people who got on TennCare had private health insurance.

□ 2045

Our Governor is a Democrat, Governor Bredesen. As you all know and as everyone in this Hall knows, in a single-payer system, the way costs are controlled is by rationing care. Well, what we did in Tennessee was, about 200,000 people were removed from the rolls, and what did a significant number of those people do? They went back on their private health insurance.

There is another thing that, I think, you have to ask yourself. By tripling the amount of money you spend on health care, what kind of outcomes will there be? Ultimately, that is what you're really interested in.

What we ended up with in Tennessee was the highest per capita prescription drug use in the Nation, and number two, we were 47th in health outcomes.

I yield back.

Mr. CASSIDY. Dr. BOOZMAN, I would like your opinions on this. You're an optometrist from Arkansas.

Mr. BOOZMAN. Well, thank you very much.

You know, it's interesting. I think we bring up a good subject. When I'm home, one of the things that I hear very, very much from the seniors is, we have a Medicare system that's functioning pretty well. Yet, when you look at it in 2017, it has all kinds of fiscal problems. Their question to me is: Why aren't you fixing the government program you have now before you expand it greatly to millions of people? You guys can correct me or can add to this: I've heard anywhere from 10 percent of the Medicare bill that we pay is just waste and fraud. Why aren't we addressing that?

Mr. CASSIDY. Reclaiming my time, 10 percent in Medicare, a generally accepted figure, is in waste and fraud. So we hear from our colleagues across the aisle that Medicare has lower overhead costs. If you include in that the 10 percent, which is a common way to define ''overhead,'' actually, that 3 percent becomes at least 13 percent. A fair statement. I think an economist would say, if your overhead is so meager that you can't watch out for fraud and abuse, then you need to lump the cost of the fraud and abuse into your overhead.

Mr. BOOZMAN. I agree. As a guy from Arkansas, I just know that there's a heck of a lot of fraud and waste in the system. Rather than expand it like we're talking about doing now, why not fix that first? We hear about the pizza parlors that are charging for dialysis and, you know, things like that.

So, again, I would say that we need to get our act together there and reform the Medicare system that we've got.

I know I'm in a situation now. It's not uncommon at all for me to have people my age call and say, My mom has moved to town, and I can't find a Medicare provider because the fees are so low for physicians that people have started either limiting the slots that they use for the Medicare practice or they've simply discontinued the practice in their clinics.

Mr. CASSIDY. Thank you.

Dr. BROUN, you've joined us. May we have your thoughts on this, please?

Mr. BROUN of Georgia. Well, I thank y'all. I appreciate y'all doing this tonight, and I appreciate your yielding me some time. I think the American people need to know several things about this, and y'all have brought up some very good points.

The CBO says that this ObamaCare plan is not going to save money. It says that, in 10 years, we're still going to have almost 20 million people in this country who won't have health insurance. They need to understand that illegal aliens are going to be given free health insurance by the Federal Government.

Now, last night I was watching C–SPAN, and one of our Democratic colleagues was just railing on about how illegal aliens will not get ObamaCare.

The reality is, in the Energy and Commerce Committee, just today, this morning, one of my Georgian colleagues introduced an amendment to the bill that basically said that you have to look at people's citizenships and confirm whether they're U.S. citizens or not. That was defeated almost on a party-line vote. All of the Republicans voted for the amendment. Most all of the Democrats did not. I think there were one or two who voted with my Republican colleague from Georgia. The amendment was to just affirm that somebody was here legally to get free health insurance. We saw that with SCHIP.

When I first came up here during the last Congress, we had numerous debates about SCHIP, and we had fights over giving State Child Health Insurance Programs to illegal aliens. Our Democratic colleagues absolutely fought and won the fight on this issue. People who come are going to be asked a question, Are you an illegal alien? When they say, No, I am not an illegal alien, then they're not going to do anything to check the legality or the truth of that statement. So it's a self-determination by the applicants as to whether they're legal or not. If they say they're not illegal, then they're going to be given free health insurance under this government plan.

The other thing that, I think, is extremely important for the American people to understand is that this plan is going to cost American workers a tremendous salary decrease. Plus, it is going to put a lot of American workers out of work. In fact, it has been projected that over 100 million people are

going to be forced off of their private insurance. Also, as Dr. ROE was just talking about, it happened in the TennCare.

So I've heard a figure of 114 million people who have private insurance today who are going to be forced off their private insurance plans onto this so-called ''public option.'' Well, how does that work?

Well, I have businesses in my own district in northeast Georgia that have told me, businessmen and -women, that they'd rather pay the 8 percent tax, the pay-or-play tax. It would cost them less to pay the extra tax and then put their folks, whose insurance they're paying for today, over on the government plan, the socialized medicine/government plan.

I saw a video today of BARNEY FRANK, who was questioned about the government option. He said in this video, in his own words, that this is the way to get everybody in this country on a single-payer system. So, as to the claim that our Democratic colleagues put forth, which is, if you have private insurance you can keep it but if you don't then we'll give you a public option, is not factual.

They're setting up the game such, as BARNEY FRANK just very blatantly said in this video today—and I think it's on YouTube, and you can go look at it—that this government option is the means to get everybody on one single-payer system provided by the Federal Government, socialized medicine.

Mr. CASSIDY. If I can reclaim my time, let's give credit where credit is due, because the advocates for a public option plan—I'm not an advocate of one, though—will point out that there's a decrease in administrative costs.

So, Dr. ROE, will you look up at that chart once more—or maybe you will, Dr. BOOZMAN—and give us a sense of what will be the administrative costs, do you imagine, with this publicly run health insurance plan.

Mr. ROE of Tennessee. Well, here, Dr. CASSIDY—and then I'll turn it over to JOHN—if you'll look at this—and it's so complicated that it's almost comical—the problem with it is that this is how your health care is going to be administered.

I do want to say for every physician in this room and in this Congress, both Democrat and Republican, and this is truly from the bottom of my heart, it has been a privilege to be a physician and to be able to provide care for people and to administer to them. I believe, and I think every Republican and Democrat believes, that health care decisions should be made between a family, a patient and the doctor.

Now, having said that, if you take a look at having to go through this, you're going to have a Benefits Advisory Committee—and I don't mean this funny, but when the Lord got tired, a committee built a moose, anything that ugly. Basically, this here is going to be deciding what's adequate here as administered by this down here. You'll have the Bureau of Health Information. We'll have comparative effectiveness outcomes.

I want to tell you the other thing. The people who really need to be fearful are senior citizens when you start looking at getting rid of Medicare Advantage and when you start talking about carving as much as $500 billion out. I don't think our seniors right now feel like too much is being spent if you'd talk to them and see what their supplementals cost. Well, do you know what that means when you spend less money? You're going to provide less care, and there's no plan in the world that can provide more and more care for a lot less money.

Mr. BROUN of Georgia. Dr. ROE, would you yield for 1 minute?

While you're talking about the seniors, I think the seniors need to understand, too, about this ObamaCare plan and understand that it mandates that those seniors have counseling, I think it is, every 5 years. They have to go get counseling every 5 years about dying. This is a government bureaucracy. I'm not sure where it is in your chart there because it's so hard to figure out what all this bureaucracy is that's being placed between the patient and the doctor.

Yet one of those bureaucracies is going to every 5 years tell people over 65 years of age, basically, that they have a responsibility to look at how they're going to die and how they're not going to cost the American taxpayer money, is basically what they're going to tell them.

Mr. CASSIDY. I thank you for offering that.

Reclaiming my time, Dr. BOOZMAN, JOHN, when you look at that, some patients aren't as sophisticated as others. Let's face it, some folks don't have the same education. Maybe they've had to struggle a little bit to get through life. Imagine if a patient had a problem with that and didn't have a counselor coming to them, as Dr. BROUN mentions, but, by golly, they just have a doctor they don't like, don't get along with, and they want to complain to someone. Where would they complain?

Mr. BOOZMAN. I think that's a real problem.

As was mentioned, one of the things that we see in this type of plan is rationing for seniors. Are they going to be able to get the knees? the hips? In my case, being very familiar with cataract surgery, is somebody going to allow them to have that as they get older and allow them to ease their pain and lead a quality of life?

You know, we're talking about getting preventative care and all this. Well, you do a great job, and you live, and you get up in years, and then we're going to take away the ability for you to go ahead and continue that quality of life.

Mr. FLEMING. Will the gentleman yield?

May I add that the bill, itself, is scored at over $400 billion to be taken out of the current Medicare program. That's over $400 billion to be taken out of the current Medicare program. So that's actually in their bill itself. So I don't see how they can claim that the elderly will get more care. They're only going to get less care.

Mr. BOOZMAN. I agree with the gentleman. If he would yield?

Mr. FLEMING. Yes.

Mr. BOOZMAN. There are so many questions that are unanswered when you look at this chart. If you get denied, you know, who do you appeal to? Is there any appeal?

Mr. CASSIDY. Reclaiming my time, I know there's supposed to be an ombudsman. In the 1,000-page bill, I've found one page that spoke of an ombudsman whom you would call up if you had a complaint.

I guess the point I'm making about administration—I read an article in the McKinsey Quarterly. They said there are three things you absolutely have to do if you're going to control costs. You've got to decrease administrative costs. I look at that and it just gives me a migraine.

Mr. BOOZMAN. If the gentleman will yield, the first thing you've got to do is have some tort reform, and you guys can, you know, very well spell out how you practice defensive medicine when people come in with headaches and things like that, and there's one thing that's not on that chart. There's nothing about nuisance lawsuits, which are driving up the costs of medicine and which make it such that we have counties in Arkansas, where I'm from, that don't have any OB because the guys can't afford the malpractice insurance.

Mr. CASSIDY. If I can reclaim my time, Dr. BROUN, as far as you know with the bill, how does the bill address tort reform?

Mr. BROUN of Georgia. It does not.

Mr. CASSIDY. I'm sorry?

Mr. BROUN of Georgia. It does not address tort reform.

Mr. CASSIDY. We just heard from our colleague from Arkansas that that's a critical thing to do.

Mr. BROUN of Georgia. Well, I was just fixing to ask Dr. BOOZMAN to yield so I could tell him a story.

Two days ago, I talked to the administrator of one of the major hospitals; it's a regional hospital within my congressional district in northeast Georgia. He was telling me just that day that one of the CAT scan techs, a lady, was up in his office, asking for more help in their CAT scan unit at night.

He asked her, Why do you need so much in the way of help there? She said, Because of all the massive amounts of CAT scans that we're running up here through the night which are ordered through the emergency room.

They did 10 CAT scans in one night on patients who'd come in. The administrator's question was, How many of those CAT scans were positive? Zero. Not the first one.

I've worked full time for part of my career as a director of emergency medicine at Baptist Hospital in Georgia.

I've been involved in emergency medicine throughout my medical career, sometimes part time, sometimes no time, when I was just doing family medicine, and other times full time.

Particularly doctors in the emergency room are having to do CAT scans on people who come in with all sorts of aches and pains when they really don't need to do those, but they're having to do those CAT scans and MRIs just because somebody might come back later on and sue them for missing a diagnosis.

Mr. CASSIDY. Now, Dr. BROUN, if I could reclaim my time, earlier, Dr. ROE had suggested—we spent the first half in kind of a critique of what our folks, our colleagues across the aisle, have put forward; but we've set aside our second half to kind of talk about what works. This is kind of a nice segue because I think, one, we know that lowering administrative costs will help, and we know that malpractice reform can also address some of these issues.

I'll go back to the central theme, which has to be that any effective reform has to put the patient in the middle; and when you put the patient in the middle, you've got to give them transparent costs so they know what they're buying before they go in there, and you need to encourage them to make the lifestyle changes because, ultimately, a patient, she or he, is ultimately responsible for his own health.

□ 2100

I know that, Dr. Fleming, in your business—because you're not only a physician, a congressman, husband, and a father, but you're also a small business man—could you relate your experience with health savings accounts? Perhaps define them for us and say how it worked in your small business.

Mr. FLEMING. Absolutely. I will tell you, approximately 5 years ago, and this is when health savings accounts really——

Mr. CASSIDY. Will you define what that is, please?

Mr. FLEMING. Yes. A health savings account is really very simple, where either the subscriber—the employee—or the employer, as in our case, puts part of the subscription costs into a savings account.

Mr. CASSIDY. Reclaiming my time, you put a portion of that health premium into a bank account of sorts that the patient/employee then controls?

Mr. FLEMING. Not only does he control, but it is nontaxed, and he can use it to buy prescription drugs, to pay the deductible or whatever.

And we were up against a situation where, like many small businesses, our premiums were going up 9, 10 percent, sometimes 15 percent per year, and we were pulling our hair out trying to figure out what else we could do. And this idea of health savings accounts came out, and we said, Well, let's try this. I had some reluctance from my employees, but we increased the deductible, and the extra amount that we would have paid for the increase in subscription costs, we put it into a health savings account for each and every one of them.

The results were dramatic. The costs flatlined. They did not go up. And since then, they've never gone up more than 3 percent a year. It's empowered the employee, the patient, the family, to buy medications at will.

And it was very interesting. I had one employee who was complaining as we implemented. She said, Well, gee, I spend $200 a month for inhalers, and how is this going to help me out because I'm going to be spending a lot of time. I said, Well, let me suggest that you stop smoking, and with the money that you save by not having to use inhalers, you will have plenty of money left over. She took me up on it, and now she doesn't need them.

Mr. CASSIDY. Reclaiming my time, could she have used her HSA to buy the medication to help her get off of cigarettes?

Mr. FLEMING. Absolutely.

Mr. CASSIDY. Now, I like that because it puts the patient, the empowered patient in the middle so that she's making the best decisions not only for her wallet, but also for her health and, by the way, for her job because you are able to keep your costs down and keep her employed.

Fair statement?

Mr. FLEMING. Absolutely.

Mr. CASSIDY. Dr. Roe, I think also you've had experience with putting patients in the middle with these health insurance plans. Can you relate that, please.

Mr. ROE of Tennessee. In our own practice, we had traditional health insurance, as most people did, 80/20 cost. As Dr. Fleming was saying, costs were continuing to go up, and about 3 years ago we introduced this plan for the physicians. There are 11 of us in the group, and all of us decided to go on this plan. And 2 years ago, we have a group that has 294 employees that elected to get their health insurance through our plan at the office: 294, 70 providers, doctors, and extenders. Eighty-four percent of those, of our people, our employees in our office, chose this plan because it put them in control of the dollars.

Let me explain to you how that is. If you believe in wellness and prevention—and the way our plan worked was you had a $5,000 deductible. That scares everybody to death. But our group put $4,200 per person in there.

Mr. CASSIDY. Reclaiming my time, you had a savings account for the patient, $4,200, that you put in there to help pay that high deductible?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. But now it's coming out of their pocket if they buy the expensive medicine as opposed to the insurance company.

Mr. ROE of Tennessee. And guess what the empowered person does? At the end of the year, they've been healthy, they've taken care of themselves, they keep that money. But let's say they have an illness or a wreck or something happens to them. Anything above that deductible is paid 100 percent. So you have catastrophic coverage, but you're in control of the first dollars. And by doing that, again, I think as you pointed out in our Education and Labor meeting, that particular type of insurance protection is 30 percent lower than standard.

Mr. CASSIDY. Reclaiming my time, for a similar-size family, similar benefits, with a health savings account costs are 30 percent lower relative to traditional insurance.

Now, we've talked about and quoted David Brooks talking about the Congressional Budget Office comment that the plans being presented to us do not bend the curve; they elevate the cost curve. And yet here is something which has been proven—it's not a hope, but it's experience—to lower costs by 30 percent.

Mr. ROE of Tennessee. That is correct. And when you empower consumers, as I've said, how many of us have driven across four lanes of interstate to buy gas 3 cents a gallon cheaper? Americans are great shoppers, and they will look after it, as opposed to—when they're spending their own money, they are very careful with it, as opposed to the government up here which is not careful with their money.

Mr. CASSIDY. Reclaiming my time, John, if I can ask you, those patients we talked about earlier, and maybe they haven't had the same educational opportunity, the same economic opportunity, but nonetheless, if gas were cheaper 3 cents a gallon on the other side of the interstate, do you think they would go over four lanes to get it?

Mr. BOOZMAN. Very much so. I was looking on the chart, and it's not up there. But other things, the associated health plans, where if you're a florist, a small business man and you've got your little store and you go in and try to negotiate with the insurance company, you don't have a very strong negotiating position. But if we would allow them to go in with others, thousands of florists, then they could negotiate as a group and get a much better rate like a major corporation.

Mr. CASSIDY. May I add, that is part of some of the Republican alternatives that are being proposed. Allow those small business women and men to band together perhaps to purchase one of these empowering HSAs.

Mr. FLEMING. Why is it that they can't do that now?

Mr. BOOZMAN. In doing that, then you have to go across State lines. Also, different States have different mandates as far as what they—you have to offer in particular States.

So we could do that at the Federal level and get rid of all of that stuff and not go across the State line.

Mr. BROUN of Georgia. If you would yield just a moment, I would like to point out something. The commerce

clause of the Constitution—I'm an original constitutionist, as many people in this House know. In fact, I carry a copy in my pocket. I carry it all the time, even when I'm home doing all sorts of things. I don't take it with me when I go in the shower, but almost.

But the commerce clause under its original intent was supposed to do just exactly what you're talking about, Dr. Boozman, is allow interstate commerce across State lines. And what we've done is we've perverted the Constitution in many ways. And this is one way that commerce clause has been perverted tremendously.

The commerce clause was supposed to make sure that there would not be a lockbox of goods and services at the State line. It was supposed to facilitate interstate commerce, not to control interstate commerce but to facilitate it.

And so we have perverted the Constitution markedly. And this is one good point that the Republicans are pointing out today about trying to give patients the ability to buy the insurance directly from an insurance company across State lines or have these pools with their alumni association. I went to the University of Georgia. We could have a University of Georgia Alumni Association pool. I went to the Medical College at Georgia for medical school. We could have an MCG pool. I'm a Rotarian. We could have a Rotary pool. We could have these huge pools that would help stop some of these problems with portability. It would help solve some of the problems that we have.

Mr. CASSIDY. Reclaiming my time, you always give me these nice bridges to segue into. Some of the Republican alternatives—and you're actually addressing all of those very nicely. And if you're a member of Rotary, you can do that. Now, I like that.

So can I call on my good friend, Dr. Fleming, if he can initiate some of the discussion of just what the Republican Study Commission is putting forth, not necessarily what Mr. RYAN has put forth or others, but even this step plan.

Mr. FLEMING. You often hear rhetoric from the Democrat side of the aisle that we are the party of the status quo, the party of no, we don't want reform. That is the main thing I ran on to come to Congress. I want health care reform. But I want commonsense reform, not nonsense reform, and that's what the Democrats are offering us.

The first completed bill—there are different versions of bills on the Republican side, but the first completed bill that's actually been dropped because we've been working behind the scenes for weeks and months to get it perfect, is the Empowering Patients First Act, which I am a proud original cosponsor, and here are some basic parts of it.

No. 1, access to coverage for all Americans. It covers preexisting conditions, and that is the big problem that everybody is talking about here tonight, risk pools.

Mr. CASSIDY. Reclaiming my time, so if you will, what's being said by our colleagues across the aisle to misrepresent our positions, we absolutely favor insurance reform to allow folks with preexisting conditions to get coverage, correct? That's what you just said, correct?

Mr. FLEMING. Yes.

Mr. CASSIDY. So next time someone gets up to the podium and says we don't believe that, that is incorrect; am I correct?

Mr. FLEMING. You are correct.

Mr. CASSIDY. The fact is that is misleading. And that is one thing I like in their plan and I like in our plan.

I yield back.

Mr. FLEMING. It also protects employer-sponsored insurance. But on the other hand, it actually gives ownership of the plans to the individual, and also the individual can buy it outside of their employer.

Mr. CASSIDY. Reclaiming my time, the anecdotes that you gave and Dr. ROE gave regarding the empowered patients by giving them these health savings accounts or something such as that, we empower patients. That's in our plan. It's not the government bureaucracy between our friends up there; rather, it is empowering patients.

Mr. FLEMING. This does not exist. This matrix that you see there with Dr. BOOZMAN, that does not exist in this plan.

Mr. BROUN of Georgia. Dr. CASSIDY if you will yield for a second, to draw a contrast here, too, is this the plan that you were just talking about, Mr. FLEMING. A patient or an employee can choose whether they want to purchase their plan through their employer or not; is that correct?

Mr. FLEMING. That is correct.

Mr. BROUN of Georgia. Well, in the Democratic plan, they're going to be forced to buy the employer-provided health care insurance or they're going to be taxed at a 2 percent increased tax rate over what they're being taxed today. So their taxes are going to go up by 2 percent. They're going to be forced into that employer-provided health care plan that's going to be dictated—if you'll hold just a second, I want to make one very strong point here that people need to understand.

That employer-provided health care plan is going to be dictated by the health care czar panel. It is established on this menagerie of colors and blocks and things.

Mr. FLEMING. Yes.

Mr. BROUN of Georgia. So the employers won't have a choice anymore about the plan that they offer their employees, and the employee won't have a choice either. And both of them are going to pay a penalty if they don't do what the Federal Government mandates or dictates to them; is that correct?

Mr. FLEMING. That is correct. And also, the government will have to actually certify all health plans. It will be a one-size-fits-all.

Mr. ROE of Tennessee. Would you yield?

Mr. FLEMING. Yes.

Mr. ROE of Tennessee. The Empowering Patients First Act that you just talked about does not contain, as Dr. BROUN just described, these mandates, these taxes.

Mr. CASSIDY. So, Dr. ROE, may I interrupt for a second?

A clear contrast between our plan, if you will, or one of our plans and their plan, aside from their increased administrative costs, aside from their top heavy, aside from ours being lower administrative costs and patient-centered, you're saying that one of the plans being presented to us has the mandates but the Republican plan does not.

Mr. ROE of Tennessee. That's correct.

Mr. BROUN of Georgia. That's the point I was trying to bring up, too, doctors, if I could speak directly to the American citizens, as I cannot due to the rules here.

But if the American citizens understand, the Democratic plan is going to dictate their plan to them. It's all going to be run by government dictation or dictum from Washington, D.C., and this health care czar; whereas, the Republican plan gives the patient and the employer the choice of what they want to do. And that's why I wanted to try to draw that contrast as you were talking.

I yield back.

□ 2115

Mr. FLEMING. Let me finish up because there are only a couple more points left. It also reins in out-of-control costs. This goes back to malpractice reform. This has malpractice reform. The government-run plan has not a word about malpractice reform. And finally, this is budget-neutral. That plan over on this side of the aisle is $1 trillion to $1.6 trillion, depending on which year span you are talking about, of course, with the CBO telling us that the costs curve up, not curve down, over time, despite what our President has told us. This one starts out with no cost, no net cost. There are savings built into it.

Mr. CASSIDY. If I may reclaim my time, it's important that the people watching realize that that is not just Republicans saying this. Again, I'm going to quote. The Congressional Budget Office, as we know, has spoken about how costly this bill would be.

From nytimes.com, I, again, quote David Brooks:

''The theory of the Democratic bills seems to be that 98 percent of Americans can party on, with the latest and costliest health care imaginable, no matter how ineffective, and the top 2 percent will pay for it all.'' He goes on to say, ''If you don't control the rate of health care inflation, even the rich won't be able to pay for the cost increases.''

So it's others, not in this Chamber, commenting on the cost of that program and, indeed, commenting on the Congressional Budget Office comments.

Mr. FLEMING. And really, just to get down to the basics, if the patients, if the public, the consumer doesn't have skin in the game, there's no money to be saved in this. If it's all on the providers and all on the government, you will never see costs controlled.

Let me add one other thing before I yield. We were talking a moment ago about the fact that illegal immigrants will be covered under this plan, 10 million or more.

Mr. BROUN of Georgia. Not our plan but the Democratic plan.

Mr. FLEMING. I'm sorry. The Democratic plan provides coverage for illegal immigrants. The Republican plan does not. The Republican plan presumes that we will deal with immigration problems through an immigration reform process. But getting to my final point here is, the other thing that the government-run plan, the Democrat plan, provides for is taxpayer-funded abortions. Not only taxpayer-funded abortions, but an actual mandate, the requirement for convenience. There will have to be convenience centers throughout the country so that young women will not only have access but will have easy access, all at the taxpayers' expense. None of that, of course, is provided for in the Republican plan.

Mr. ROE of Tennessee. If the gentleman will yield, I have a letter that I received from a constituent which was given to me this past week; and I think it's worth passing on. It says:

''Dear Dr. Roe,

''My wife Missy and I are aware of the struggle you face on Capitol Hill over government-run health care. We wish to offer you our personal story of how the current system saved our son, Robby, to use as you see fit to put a human face on our side of this issue. Robby suffers from unbearable pain that began when he had a severe infection he contracted September 2007. It began one Saturday. He went to bed feeling a little off and woke up the next morning with a severe ear ache. Within 5 hours, his eardrum ruptured. In spite of several courses of antibiotics, this infection continued to spread into every cavity of Robby's head, and it began to attack his nervous system and his brain. The pain was torturous. Robby was admitted to the Knoxville Children's Hospital for over a week. The infection finally stopped with I.V. antibiotics, but the damage had been done. Robby lost the ability to walk. He also developed a motor vocal tick associated with constant shooting pain in his head. We researched Robby's symptoms and found doctors at Vanderbilt Children's Hospital in Nashville and Children's Hospital of Philadelphia where Robby was treated by the head of pediatric neurology. We were able to visit these doctors and receive treatment for our son only because our private health insurance gives us the flexibility to do so. In the last 18 months, Robby's been hospitalized six times, including most of this March. Pain medicine, including morphine, PCA, hydrocodone and Demerol gave no relief. He had to be sedated for over a week until the pain subsided. There is still no definitive diagnosis. In spite of this, Robby has had multiple exploratory procedures, MRI, CT, et cetera, and tried nearly 20 medications. We finally found the medicine that helped 4 months ago. This has eased his symptoms significantly. He is doing much better but is still not able to return to school. Throughout this ordeal, the medical system has been helpful, responsive, timely and accessible at all levels. We were always around to be a part of the decision-making process in our son's care from medicines and procedures to which doctors and hospitals treated him. We recently learned of another boy in our area who was about Robby's age that suffered from similar symptoms. He died. We believe competent, fast, flexible care that would be impossible under a government-controlled system saved Robby from this fate. Missy and I lived under a government health care system in the Army. I grew up in an Army family. I remember sitting for hours in the military emergency room with a broken arm.''

He goes on, ''and we had no recourse. You can't sue the government. We are not wealthy people. We make well below the median income and have had to pay thousands of dollars out of our own pocket to get Robby where he is now. It has been a struggle, but we would gladly pay any amount to ensure the timely care and freedom of choice needed to treat our son. It is true that under a government-controlled system we wouldn't have had these medical expenses. We believe they would have been funeral expenses. Please feel free to use our story. We would be glad to testify or do anything else you feel would be beneficial.''

This is Rob and Missy Mathis from Newport, Tennessee.

Mr. CASSIDY. If I may reclaim my time, one, it's a tremendous testament to the faith of that family, their love for their son and to those fine physicians at Vanderbilt. I think all of us share the hope to have high-quality health care affordable, accessible to all Americans. Our concern is that the solutions being brought upon us are going to not only not achieve that but interfere with that relationship, and it's not just folks who are conservatives.

I have an editorial in my local paper by Susan Estrich. You will recall that Susan Estrich was chief of staff for Walter Mondale—I think I have this right—when he ran for President. I don't agree with her, but I respect her thoughts. She's a bright woman. She wrote Don't Risk Your Health Care.

She begins:

The President is ''not familiar'' with the bill. No one can explain how it will work yet, as Senator BEN CARDIN told a contentious town meeting. There are various plans, and negotiations are still in the early stages. But whatever it is, we should be for it.

She goes on to say, ''Am I missing something?''

Then she describes the relationship that she and her family have with their physician. They are not sure. She wants to be reassured and has seen nothing that reassures her yet that that relationship will be preserved. So it isn't just folks in this arena. It's folks across the country.

Dr. BOOZMAN, what are your thoughts?

Mr. BOOZMAN. Well, I would just say that all of us—and in hearing the letter, all of us have seen patients in our practices that we knew as we prescribed the treatment that they couldn't afford, hardworking people that just didn't have the ability to afford that. So we definitely need reform, and we've talked about that. We need portability. We need more competition, things like that. What we don't need, though, is to try to get this thing done in 2 or 3 weeks.

I was on this school board for 7 years. If we were trying to change the curriculum of the high school class, we'd spend more than 2 or 3 weeks doing due diligence. But to try to do that in a period of 2 or 3 weeks makes no sense at all.

The other thing I would say is that we don't need government-run health care. We don't need to go down the path towards Great Britain and Canada. And something I'd like for you guys to comment on—because you have treated them and things—tell us about the results of cancer and things like that in the Canadian and Great Britain systems compared to the United States. I guess my concern is, in an effort to fix our pretty good system—you know, it's working pretty good—that we actually destroy the system to fix the part that's broken.

Mr. CASSIDY. Reclaiming my time, I would say that it works for 85 percent of the people; but we would favor the reforms that would ease the insecurity that if you get sick, you lose your insurance or it's priced out. So we favor the reform that deals with preexisting conditions. At the same time, we don't want to ruin it for the 85 percent.

I yield to my friend.

Mr. BROUN of Georgia. I thank you, Dr. CASSIDY, for yielding. I just wanted to give you a couple of quick stories, one that goes along with Dr. ROE's story. I have a surgical colleague that I was talking to who told me about getting a phone call from a government bureaucrat about a Medicare patient that he had in the hospital. The doctor got the call from the Medicare bureaucrat in Atlanta who said, Doctor, we have reviewed such-and-such a patient that I understand you have in the hospital. Yes. We have reviewed it. She does not meet criteria to be hospitalized, and we want you to discharge her today.

The doctor said, Well, have you seen my patient?

No.

Are you a doctor?

No.

Are you a nurse?

No.

So you're just a government bureaucrat, is that correct?

Well, I work for CMS.

He said, You've not seen my patient at all?

No.

But you have determined that this patient should not be in the hospital, and you want me to discharge her?

That's correct.

He said, This patient is extremely ill; and if I discharge her, she is very likely to die. I'm not going to discharge her.

The government bureaucrat said, Doctor, you don't understand. We've determined that if you don't discharge this patient today, we're going to fine you $2,000 a day.

So the doctor went and talked to the patient's family and the patient. What were they to do? Well, he discharged her. She died that night at home.

Mr. CASSIDY. Reclaiming my time just for a second, CMS is the agency that governs Medicaid and Medicare, the Federal program.

Mr. BROUN of Georgia. This was a Medicare bureaucrat.

That's the kind of care that the Democratic plan is going to not only give us more of, but it's going to take it down to lower age groups besides those 65 years of age and older. It's government intrusion into the health care system that has run up the cost tremendously. CBO has already said that the Democratic plan is going to cost more money. It's not going to bring the costs down.

Y'all were talking about the cost curve going up. What that means to the people who don't understand, that means it's going to be more costly for the health care system under the Democratic plan than what we have today.

Mr. CASSIDY. If I may reclaim my time, we're almost out. I just want to wrap that in with a comment that Dr. FLEMING said about how the best system is one in which the patient is involved. I think you said ''skin in the game.'' The McKinsey Quarterly talks about transparent pricing for value-conscious people. Again, quoting from David Brooks, the New York Times columnist, a very thoughtful man: ''I'd say that there have to be cost-conscious consumers within a closely regulated market. Unless you get proper incentives for both providers and consumers, I doubt you're going to go very far. In the current plans,'' meaning those across the aisle, ''all the emphasis is on the providers.''

Mr. BROUN of Georgia. Dr. CASSIDY, if you don't mind yielding for another moment, let me tell you about something that happened in my medical practice down in rural southwest Georgia. Congress passed CLIA, the Clinical Laboratory Improvement Amendments. I had a fully automated lab in my office where I would do blood sugars, blood counts and things like that. If a patient came in to see me with a red sore throat, running a fever, white patches on the throat, coughing, runny nose, I would do a complete blood count to see if they had a bacterial infection and thus needed antibiotics to treat it. Or if they had a viral infection, they could have the same clinical picture but didn't need the cost or the exposure to the antibiotics. CLIA shut my lab down and every doctor's lab in this country down. Prior to CLIA, I charged $12 for that CBC. It took 5 minutes to do with quality control. After CLIA, I had to send patients across the way to the hospital, it took 2 to 3 hours to get the test and cost $75 for one test. It goes from $12 to $75, and 5 minutes to 3 hours. Now this is how government intrusion into health care markedly drives up the cost.

Mr. CASSIDY. If I may reclaim my time, I think you are involved in what is called as a concierge practice or a patient-centered practice where the patient will prepay you, say, $50 a month; and if you don't satisfy that patient, she goes to see another doctor.

Do I recall that correctly?

Mr. BROUN of Georgia. Well, not exactly. In fact, I have discharged patients at the time I see them. I don't have that concierge practice where I am prepaid. But actually, I charge less. My practice was a full-time house call practice. I was not working in an office.

Mr. CASSIDY. If you would yield back, because I just want to mention that one thing. There are some physicians, a lot of them on the west coast, that have a practice that is so patient-centered, it works beautifully. In that practice, the patient pays $50 to $100 a month and gets all the primary and preventive services cared for. If the patient doesn't like it, they find another doctor the next month. It's like Target or Wal-Mart. If my wife doesn't like the sale at Target, she goes over to Wal-Mart; and if she doesn't like the service at Wal-Mart, she will go back to Target. The fact is, is that the physician, knowing that those folks can go, is going to be more patient-sensitive.

Mr. BROUN of Georgia. And the Republican plan allows patients to do that, where the Democratic plan does not.

Mr. CASSIDY. Thank you all very much.

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ENERGY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. BOCCIERI) is recognized for 60 minutes.

Mr. BOCCIERI. Mr. Speaker, this snuck up on me with respect to the timing. My colleagues on the other side of the aisle finished much earlier; they didn't have as much to say as we are tonight about clean energy.

I am joined by my colleague from New York, Congressman MCMAHON, who I will recognize here very shortly to talk about one of the pillar issues, one of the seminal issues that we're going to address in this Congress, in this body.

We've already taken action with respect to moving an energy policy forward that puts our country first. And truly, this is about making America stronger, making our country stronger by investing in America.

Now, I know some may think that that's a novel idea, but this is not about Democrats or Republicans. This is not about their ideas versus our ideas. This is about Americans and American innovation, and it's something that I feel so passionately about.

Today we're going to talk about this energy bill that passed through the Congress here, through the House of Representatives. We're going to talk about what has made this such an important issue in the coming weeks that we hope that the Senate will take action as soon as possible.

Before I get too deep into my long speech here, I would like to recognize the gentleman from New York to say a few opening remarks with respect to energy and what we have to offer here in the House of Representatives.

Mr. MCMAHON.

Mr. MCMAHON. Thank you, Congressman BOCCIERI. And thank you for your leadership on this issue.

Mr. Chairman and Mr. BOCCIERI, it is a privilege and an honor to stand here in the House of Representatives tonight and talk about this important issue. And I bring to it a perspective I think that is very important in this debate. You see, I come from New York City. I grew up in Staten Island, New York, and I now have the privilege and honor of representing Staten Island and Brooklyn, New York, here in the House of Representatives.

For the last few weeks and months, I've been very disappointed at the rhetoric that I've heard in this Chamber, and beyond, from those on the Republican side of the aisle. They, quite frankly, have had their heads in the sand. They, quite frankly, have been tied up in the rhetoric of partisan politics. And I say that as a New Yorker, as someone who suffered and saw firsthand what happens when this country doesn't deal methodically and honestly with energy policy.

You see, September 11, a date that we all know too, too well, in my opinion—and in the opinion of the people of New York and people around the world—occurred because our country has not dealt honestly and fairly with energy policy. Oh, I know it was the act of terrorists, there's no question; men bent on hate, men bent on Islamic fundamentalism to bring down this Nation. But our country has been caught

up too long with an addiction to oil from the countries from which these men came.

Every time an American goes to the gas pump and puts gas into his or her car, they are sending money back to a Saudi Government that has sent and continues to send money to al Qaeda. And every time you go to the pump and put gas in your car, you're sending money to Iran so Ahmadinejad can send that money to Hezbollah and roundabout to Hamas. We are paying for terrorists to arm and be energized in a war against America and all the things we stand for.

So I know there can be honest debate on things that we disagree about. I know that we can stand on this side of the aisle and that side of the aisle and have a fair and honest debate about those things. But the things that I've heard over these last few weeks, the lies, the mistruths, the prevarications, are all too much for us to take.

Just think about the way that the Republicans have tried to scare the American people by saying that if we pass an energy security bill here in Washington it will mean an increase in home heating and energy prices of $3,100 a year. And when they did that, they cited a study from an MIT professor. Upon hearing that, immediately that professor said, That is not true, you are misquoting my study. I did not say that. That's not what the study says.

Weeks and months after that professor issued that disclaimer, we continue to hear from the other side of the aisle these very same pronouncements. They are untruths, they are misstatements, and they are prevarications, and it's time for it to end. The American people deserve more. The security of our Nation deserves more. The people who lost their lives on 9/11, the families who suffered, the emergency workers who suffered, all those people deserve more. And the men and women who right this moment are in places like Iraq and Afghanistan, they deserve better. They deserve an honest and upfront discussion about energy policy, what it means to our security, and that if we don't get it right now, then more lives could be lost in the future.

Mr. BOCCIERI, I am so glad to be here with you to talk about these important issues. And I know that the people from Ohio to New York out to California will be united in knowing that America is a country—we sent a man to the Moon; we can deal with energy policy as well. And it's something that I look forward to working with you on.

Mr. BOCCIERI. Well, I thank the gentleman from New York. And he is absolutely correct in his assessment of this. This is a matter of our national security.

The American Clean Energy and Security Act that was passed out of this Chamber is about our Nation's national security, moving away from our dependence on foreign oil and, more importantly, creating jobs right here in our country that can't be outsourced.

When we build a brand new nuclear reactor, it cannot be outsourced. When we lay the foundation for new solar panels on tops of buildings or on tops of our homes—or even some day perhaps on tops of our cars, recharging our batteries—those are jobs that can't be outsourced. The maintenance, the delivery, the processing that will go into these jobs are going to create jobs right here in America. And I am so proud that we are leading the edge.

My predecessor, Congressman Regula, started investment in these technologies in our district. And I am glad and proud to be following in his footsteps to make certain that these types of energy investments are and will be making our country stronger in the long run.

Let's revisit some of the things that we've talked about here, Congressman MCMAHON and, Mr. Speaker, the fact that this is about our national security.

First and foremost, this chart right here really is a tell-all with respect to our national energy crisis that we face. 66.4 percent of our oil comes from foreign countries. 66.4 percent of our oil comes from overseas. That means $475 billion has been sent overseas. We are distributing our wealth. We are sending our resources, our hard-earned dollars overseas to buy a commodity that we can produce here, we can refine here, that we can explore here.

In fact, the Senate version of the bill adds exploration and drilling right here in the Gulf of Mexico that will add 3.8 billion barrels of oil, but we know that that's not enough because we don't have enough oil here in America to fill the demand that we have. In fact, it's been reported that we have nearly 3 percent of the world's reserves here in America, in the Northern Hemisphere, but we consume about 24 percent of the world's oil. So you do the math. At 22 million barrels a day, 3 percent of the world's oil here in the Northern Hemisphere, we would exhaust that resource very, very quickly.

The number one user in the United States of oil, the number one consumer of oil in the United States, is the Department of Defense. In fact, we consume so much oil in the Department of Defense that we have grown very, very concerned here on Capitol Hill about our dependence on foreign oil because our Nation's military is so dependent on foreign sources of oil, oil that we import, and the fact that we have so many of our military operations going on overseas, so many of our troops, our men and women, are spread across the world that we have a national security crisis right here on our hands. And that's why, Mr. MCMAHON, that's why, Congressman, we have begun testing synthetic fuels. That's why we have been testing blended fuels in the Department of Defense.

At Wright Patterson Air Force Base, they just started testing these blended fuels, synthetic fuels in our aircraft, because we know that of the Department of Defense, the largest consumer of oil in the Department of Defense is our aviation assets. Seventy percent of it is used with respect to our oil needs, and we have got to find an alternative source. That is why this energy legislation is so important to investing in alternative energies and understanding that our Nation's military is so dependent on this fossil fuel.

Now, in 1944, when the United States bombed the Ploesti Romanian oil fields, we effectively cut off the supply of oil to the Germans, but they quickly transitioned to use synthetic fuel, which is a derivative of coal. Now, we know that we have quite a bit of coal here in the United States; it's abundant, it's a natural resource that is very cheap to us, and we are going to continue using it.

In fact, the EPA has said, with the passage of this bill, coal use in America and the United States is actually going to increase. And with it being so abundant, boy, I would love to see, with the investment that we have charged in this legislation to invest in carbon capture, to invest in coal and synthetic fuel and coal-to-gas liquefication, these new types of technology that can make our country less dependent on foreign oil, is going to make us stronger in the long run. And if we can put that synthetic fuel, that clean-burning fuel, that clean coal technology in our airplanes some day, we are going to be less dependent on our foreign sources of energy.

Now, one last point before I turn it over to my colleague for some remarks. 66.4 percent of the oil comes from overseas. Do you know how much comes from the Middle East, Congressman? Forty percent of our Nation's demand is filled by the Middle East, by OPEC-producing nations. That is way too much. We have two wars going on in the Middle East, we have countless numbers of our troops over there. And it is argued—and has been argued so many times on this floor—that our Nation's interaction overseas and in the Middle East is about our dependence on that natural resource. And it's time we put America first, we put American troops first, and invest in our country and our people. I would much rather rely on the innovation in the Midwest than the oil in the Middle East.

I yield to my friend.

Mr. MCMAHON. Thank you, Congressman.

Congressman BOCCIERI, I think you have really established and hit home about how this is about national security.

You know, there was a time in our Nation's great history—in fact, throughout most of its history—when we would talk about national security, both sides, Republicans and Democrats, would put down the partisan rhetoric, they would put away the myths and half truths and the prevarications and they would just talk to the facts, because what was at stake was not the

gain of one side or the other, it was about the very essence of our country, our security, and the safety of our young men and women in uniform, whether it is the uniform of our armed services or the uniform of our first responders back here at home.

Unfortunately, what we've seen throughout this debate from the Republican side is an onslaught, a deluge of untruths, of myths. I want to talk about a couple of those myths before I turn it back over to you. One is about the notion of the household energy audits.

I have stood on this floor and sat in this Chamber and heard our colleagues from the Republican side of the aisle say, If you pass this bill and if America deals honestly and forthrightly with its national security and energy policy, every homeowner in America is going to have to do an energy audit before they can sell their home. Well, you know, Congressman BOCCIERI, and I know that that's not anywhere in the bill. That language does not exist; it's not in the bill, it was not in the bill that we passed. The Energy Security bill contains no provision requiring that buildings or homes undergo energy retrofits or audits of an existing home's energy efficiency.

The bill does create incentives for builders and homeowners to take steps to reduce the waste in their homes and in their new buildings, and that's to everyone's benefit. The homeowner would save money on their energy bills, and we, as a Nation, would use less energy and, therefore, put ourselves less at risk. And yet we hear over and over again about these imposed requirements on America's homeowners. There is no Federal energy audit requirement. And it leaves the decision to the homeowners and the local governments to deal with that. The bill actually prohibits the EPA from regulating residential and commercial buildings as per the Clean Air Act, and yet we hear the rhetoric over and over again.

But, you know, Congressman, in the debate there clearly have been, I believe, people from the other side of the aisle, Republicans, who have talked fairly and honestly about this issue, and I bet you would be able to tell us about some of them tonight.

Mr. BOCCIERI. Yes, I would, Congressman MCMAHON. And I thank you for those remarks.

This is about our national security. This is not something that Congressman BOCCIERI is saying, it's not something the speaker is saying—because he's been on this floor right with us before talking about our national security needs—it's not something that Congressman MCMAHON is saying. This is something that the Department of Defense is saying and the CIA is saying.

The U.S. Department of Defense, in 2003, concluded that the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. The economic disruptions associated with global climate change are projected by the CIA and other intelligence experts in the United States to place increased pressure on weak nations that may be unable to provide the basic needs and maintain order for their citizens.

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So, you see, a component of this energy legislation is about moving away from our dependence on foreign oil, investing in clean energy and technology right here in our country, jobs that can't be outsourced, producing jobs that can put America back to work. And another component of that is addressing the issue of climate change.

Now, cap-and-trade has gotten all the attention in this energy debate, and it shouldn't get all the attention because it's one segment of this bill that we're working on. But even that, which I know that we focus more on the national security part of it, but even our security experts and our Nation's military are saying it's a matter of our national security. Let me give you some statistics here:

Today over 80 percent of the world's oil reserves are in the hands of governments and their respective national oil companies. Sixteen of the world's largest 20 oil companies are state owned, are owned by some state. And as you know, we import 66 percent of our oil. This is a matter of our national security, and we have got to take action now, and we must move away from our dependence on foreign oil. Cap-and-trade and the climate change legislation and the energy security that we can derive from a substantive and robust energy policy in this country is a matter of our national security.

Now, that's not something that Congressman MCMAHON is saying. That's not something that the Speaker is saying or Congressman BOCCIERI is saying. That's something JOHN MCCAIN is saying, a proud American who put his life on the line for our country, who ran for President. He said that in cap-and-trade there will be incentives for people to reduce greenhouse gas emissions. It's a free-market approach. Let me repeat that again, Congressman MCMAHON: it's a free-market approach. The Europeans are doing it. We did it in the case of addressing acid rain.

In fact, we have 20 years of cap-and-trade policy that's been enacted in the policy of the United States that we have found very big successes from. Look, if we do it, we'll stimulate green technologies. This will be a profit-making business. And it won't cost the American taxpayer. Let me repeat that again: it won't cost the American taxpayer. This is something that we have got to enact now, Mr. Speaker. This is about our national security.

In fact, every Presidential candidate that ran for office last year, Democrats and Republicans alike, said it's a matter of national security. Let me revisit a couple of what our friends have said.

Mr. Romney, an astute businessman, said that there are multiple reasons for us to say we want to be less dependent on foreign oil and develop our own sources. That's the key, of course, additional sources of energy here as well as being a more efficient use of energy that will allow the world to have less oil being drawn down from the various sources it comes from without dropping prices too high a level, and it will keep people, some of whom are unsavory characters, from having an influence on our foreign policy. That was Mr. Romney.

Mr. Huckabee, he has another quote in addition to this one on our chart here. He said, A nation that can't feed itself, a nation that can't fuel itself, a nation that can't produce the weapons to fight for itself is a nation forever enslaved. And with respect to a national energy policy, he said, It's so critical that for our own interest economically and from a point of national security that we commit to becoming energy independent and we commit to doing that within a decade. We have to take responsibility in our own house before we can expect others to do the same in theirs.

It goes back to my basic concept of leadership. Leaders don't ask others to do what they are unwilling to do themselves. Well, we are a leader here in the United States. We're a leader. We sent a man to the Moon in just 10 years, and I vow to you that we can become energy independent. We can have an energy policy that invests in our people, creates jobs here, and moves away from our dependence on foreign oil because we believe in the innovation of America and we don't believe that we need to be dependent on Mid East oil.

I yield to my gentleman friend.

Mr. MCMAHON. You're so right, Congressman BOCCIERI.

Mr. Speaker, again, it's just somehow so infuriating. It really is beyond words to think that the Republicans try to take an issue that is so important, not just to our economy, not just to our environment, not just to the future of the generations of people who want to live in America and share in the American Dream, but to national security, the lives of our children, the young people in uniform right now, those who have been lost and those who will continue to be at risk.

And what do they do? They take an important issue like this, and they come up with some quick catch phrases, you know, like the one that they like to use. You talked about cap-and-trade. They like to call it ''cap-and-tax.'' Why do they do that? There is no tax anywhere involved in this bill. The word ''tax'' is not involved. In fact, in order to tax someone from the national government perspective, you have to invoke the Internal Revenue Code. The Internal Revenue Code is never mentioned in this bill. Instead, this is a proven system, as you said, to bring free-market principles to the system of manufacturing that will allow

for not only a cleaner environment but for a new birth, a new generation, of manufacturing jobs in this country.

We have lost our manufacturing base for a whole host of reasons. But here we are. As you said, when you build a nuclear power plant, you can't do that somewhere and import it. It's got to be done here. When you build a windmill farm, that has to be done here. And instead of addressing this very important issue, the other side comes up with catchy phrases, and certainly the one that they have done to cap-and-trade across America I think is very shameful.

Let's talk about cap-and-trade for a minute because some people will say, well, this is a new concept, Congressman BOCCIERI. And how can it be that we know whether or not this will work? Well, there are a couple of ways to know that. We have already done that in this country.

Many Americans, certainly in the Northeast, where I come from, remember the concept of acid rain caused by sulfur dioxide. And in the 1980s we realized that lakes and rivers were dying across this country because of sulfur dioxide. And we implemented in 1990 a cap-and-trade system when it comes to sulfur dioxide. And what does ''cap-and-trade'' mean? It simply means that you set a standard of how much pollution can be emitted in the country in a given year and that becomes your cap.

And for what we have done now for the greenhouse gases is the year 2005, and the same was done for sulfur dioxide. And then that allowance to be able to pollute is something that has value to it. You create value. And in the first go-around in the system that we're implementing, or that we want to implement now, 75 percent of those allowances will be free. So there will be no immediate cost to anyone, no increase in prices.

But over time, by 2020, hopefully we will get to a point where we reduce our reliance on foreign oil, we cut down our emissions by 17 percent, and we move forward with a good national security energy policy. We did that with sulfur dioxide, and everyone thought it would take 20 years, but it took 6 years. In 6 years' time, without any impact to our economy, we put an end to the overpollution of sulfur dioxide.

Many plants put scrubbers on themselves, on their smokestacks. And guess what? In the year 2009 those lakes in my home State of New York are alive again. The fish are no longer swimming on top of the water, dead from pollution. They're alive again. And they are alive with wildlife and they are alive with a future that our country needs. It's about our water resources. It's about our environment. It's about our jobs. It's about our national security.

So you're right, Congressman BOCCIERI, when you say it's about national security. And you've got examples of people who put partisan politics aside. They did it when they were running for President. I only wish the Republicans in the House of Representatives and in the Senate will put politics aside and put the interests of the American people first and get serious about an energy policy that deals with national security

Mr. BOCCIERI. I couldn't agree with the gentleman more that we have to get serious about our Nation's energy supply.

And this is not about Democrats or Republicans; this is about making America stronger. And Democrats and Republicans alike in the last Presidential election said we need to create jobs here in America. We need to create jobs here. You know, 8,000 manufactured parts go into making one of those wind turbines. Can you imagine some day that Timken Roller Bearing in my district would be making the roller bearings that go into these wind turbines or SARE Plastics could make the moldings for these respective wind turbines and to make the fiberglass components that go into this? These are jobs that can be made and profit right here in America, that can't be outsourced. And we will be killing two birds with one stone: creating jobs here in America and making us less dependent on energy from abroad.

We have to go back to just a few more of these gentlemen who ran for President last year. I just want to finish up with these two:

Rudy Giuliani, a good Italian, said, We need to expand the use of hybrid vehicles. We need to expand the use of hybrid vehicles, clean coal, carbon sequestration. We have more coal reserves in the United States than they have oil reserves in Saudi Arabia. This should be a major national project. This is a matter of our national security.

Rudy Giuliani got it right because you know what? If we put 27 percent of the vehicles on our roads in America, if just 27 percent of the vehicles on our roads in America were gas-electric hybrids, we could end our dependence on oil from the Middle East. We get 40 percent of our Nation's demand for oil from the Middle East, from OPEC-producing nations, and if just 27 percent of the vehicles on the roads of America were gas and electric hybrids, we could end our dependence on oil from the Middle East. That is a vision that we should all strive for.

Let me talk to you about one of our colleagues here, Mr. PAUL. I spoke with him about 2 weeks ago. He's one of our colleagues here in the House. He said, True conservatives and libertarians have no right to pollute their neighbor's property. You have no right to pollute your neighbor's air, water, or anything. And this would all contribute to the protection of all air and water.

Mr. PAUL is somewhat of a visionary because he believes that in America if we make the right investments, we cannot only protect our country, move away from our dependence on foreign oil, but invest in our people, our way of life, and, more importantly, create jobs here in our country.

I want to yield to my good friend from Virginia (Mr. PERRIELLO). Congressman PERRIELLO is joining us.

Welcome.

Mr. PERRIELLO. I thank Mr. BOCCIERI for yielding.

As I said before, the people who have been against this bill, there are two things that bother me about them that I want to mention.

One is these people aren't just climate skeptics; they're America skeptics. I am sick and tired of hearing the word ''can't.'' They are the same ones who said we couldn't possibly take the lead out of gasoline. We couldn't possibly solve the sulfur dioxide problem or clean up our water and streams. We couldn't integrate our troops or go to the Moon. Can't, can't, can't. Well, when I was growing up I had coach after coach in sports say get the word ''can't'' out of your dictionary. That is not an American word. America is all about how are we going to solve the problem.

We know there is nothing we can't do if we put our minds to it, put our innovative spirit to it. And we see that here. People keep saying on the other side of this debate, well, let's just let China do it. That's basically what they're saying. We don't want to go ahead of China. We would rather have China invent all the technologies so we buy it from them? I'm sick and tired of buying everything from China. I want us to be making it right here in America and exporting that technology back to them.

So these people aren't climate skeptics; they are America skeptics. They have given up on the idea that America can do it better than other countries, but I don't believe that. We are still more innovative than any other country. We are better capitalists than any other country. We are going to be the first to crack carbon capture sequestration technology. We are going to be at the cutting edge again of wind and solar and biomass.

The farmers in my district want to be freedom fighters on the front lines in the struggle for energy independence that makes this country safe and makes it competitive again. That's because we are better at this than anyone else. That word ''can't'' that seems to echo across the other side of the aisle does not have any place in this Hall because America is better than that.

And there is a second thing that bothers me about those who seem so angry about this bill in this body of ours, which is the intense partisanship of it. The worst kind of partisanship is when you think an idea is a good idea until the other side agrees with you and then all of a sudden it becomes the worst idea ever.

Cap-and-trade, to their credit, is a Republican idea. The first President Bush was a visionary and a leader on this in solving the acid rain crisis because it was a Republican notion that

we can use the power of the free market to solve these environmental threats.

□ 2200

We saw it again when Senator MCCAIN and then Governor Palin both agreed that some form of cap-and-trade was a good idea. Former Senator from my State, John Warner, a great war hero, a great American, also saw the power of a tradable permit. This was fundamentally a Republican idea. And in our spirit of bipartisanship we say, we think this problem is so big, of energy dependence, it is threatening our security so much we will look anywhere. We don't care if that idea comes from one side of the aisle or the other. We just want to solve the problem.

And as soon as we agreed and said, these are good ideas coming from the Republican side, all of a sudden, the only play they had in the playbook was to suddenly say Oh, it must be a bad idea because you agree with us. We can't even do bipartisanship when you agree with one of our ideas. This is something that is upsetting the American people when the problems run this deep. That's not what this country's about. It's about putting problem-solving ahead of partisanship.

So Mr. BOCCIERI, thank you for doing this hour. It's so important for our national security, for our national competitiveness, but also for the very culture, the very soul of this country. It is all about that infinite horizon of possibility that says there is nothing we cannot do as a Nation, particularly when we unleash the power of the free market and that call to serve the common good that has led generation after generation to leave this country stronger than they found it.

Mr. BOCCIERI. I find you very inspirational, Congressman PERRIELLO. You're exactly right. And it's often been said that fear is not a tool of leadership; fear is a tool of the status quo. And that's exactly what we see from the other side right now; injecting fear, talking about taxes. Listen folks, there are no taxes in this bill. Don't believe me. Believe Senator MCCAIN, who ran for President last year. Senator MCCAIN said this is a free market approach and it won't cost the American taxpayers. We know here in this body that the jobs of tomorrow won't come on their own. We must incubate them and grow them domestically so they can not be outsourced. That's what this bill is about.

We're joined by two of our other colleagues, distinguished colleagues, bright minds here, young bright minds I should say here in the House of Representatives, Congressman KRATOVIL from Maryland, and our good friend from New York, Congressman TONKO. Why don't we start with Congressman TONKO. Welcome.

Mr. TONKO. Thank you, Representative BOCCIERI. I listened intently to our colleague from Virginia, and when Representative PERRIELLO talked about the lack of response from the other side, the anger, perhaps, that is expressed, the politics of fear that are engaged, that those in and of themselves would be enough measure of concern. But the fact that that's coupled with an agenda that back-burnered over the last administration so much of the progress, we're reminded of a huge failure of the delivery system, the energy delivery system, in August of 2003. Here, 6 years later, we're not responding as well as we should. This measure allows us to, with a smart-metering investment, with an upgrading of the grid.

You know, it was brought to our attention in very painful and dark terms, where blackouts gripped not only the Northeast and the Midwest of the U.S., but Southeast Canada, where two nations suffered from failure in the grid system. We have opportunities to embrace technology, technological improvements, advancements in smart metering and investments in the grid, to respond to that sort of failure. That was back-burnered. So were the investments in updating our renewable opportunities, investing in renewables.

This measure will allow us to look seriously at renewable investments across the country. I'm also coupling that exercise with a bill that deals with wind turbine efficiency, where we'll look at materials that will allow for greater response from Mother Nature, where we're able to take the elements of nature and make them work to our energy needs, all through American jobs, to produce America's energy needs. That will enable us to take the advancements that we know are possible.

We look at situations like super-conductive cable, where, in my district, they are now breaking their own records, super power is, by developing even stronger opportunities for us to reinvest and invest in innovative ways in the delivery system, in a way that, again, takes advantage of the intellectual capacity of this Nation.

So this is about entering into a mix that already finds global competitors, but it advances an American agenda in a way that will place us in the role of leader. We cannot continue to sit by idly along the sidelines of this global green energy race and advance the notion that China will build all the solar systems, that Germany will embrace the same sort of renewable or advance manufacturing processes.

We have opportunities here in this Nation to develop battery response through the stimulus package. I've seen what GE is working on, as it enters into this fray, to provide for an array of battery opportunities where it's not just Lithium ion that we develop but perhaps look at sodium chloride mixed with nickel, where we can address not only energy generation needs for batteries, but also the energy storage for intermittent situations, intermittent-type power, and where we can also use it for heavy fleets and lighter fleets for transportation-sector purposes.

So there are tons of applications here. Just that GE battery application would find 300 to 400 jobs in my district that will enable us to provide the linchpin, to open the doors to limitless possibilities. You know, it's that sort of fervor that we saw in the sixties, in the late fifties and sixties where, as a Nation, we went forward with the boldness of definition and the expression of vision where we could be better, where we could move into a space race. And we know that we invested, and we won for that investment. We need to do that here. And clean energy jobs for every State in this Nation is a great theme.

And politics of fear that respond to the efforts of progress that we have embraced just don't have a place in this mix. It is unfair to the American public, as it looks not only for job creation, but for the establishment, for the igniting of an innovation economy. And Representative BOCCIERI, thank you for bringing us together so that people can share thoughts of what's happening today and where we can expand and extrapolate upon that progress in untold terms.

Mr. BOCCIERI. Well, Congressman TONKO, you're so right. And I know you and Congressman KRATOVIL believe like I do and like Teddy Roosevelt said, that the worst that you can do in a moment of decision is nothing. The energy policy that we have right now in the United States is failing us miserably because we have troops overseas right now that are putting their life on the line for a natural resource that we could become independent from if we just invest in our country and our people.

Mr. TONKO. One of the main reasons I ran for this role in Congress was to establish a comprehensive energy policy, where we have a plan, where we act accordingly, where we update and implement that plan, and where it's all-inclusive. We haven't had that. And this is one solid way to grow jobs that are meaningful, where we are going to express and exercise our right to energy security, energy independence, and therefore, national security, which is critically important with the outcome here.

Mr. BOCCIERI. Congressman KRATOVIL, welcome.

Mr. KRATOVIL. Thank you all for being here. And it's so nice hearing my very articulate colleagues talk about this. Mr. BOCCIERI, thank you for bringing us together once again to talk about this. You know, you have mentioned a number of Presidential candidates in the last election that talked about the significance of cap-and-trade and talked about the significance of reducing our dependence on foreign oil. But I think, you know, it's important that we give some additional historical perspective to this debate.

You mentioned that what we are doing now is failing us. But it's been

failing us for 40 years. We have been talking about reducing our dependence on foreign oil for the last 40 years. We've been talking about the significant impact this has on us in terms of our national security. We've been talking about the need to move towards renewable energy and renewable fuel and reducing our dependence on foreign oil, and yet, we haven't done anything really substantial until now.

Every President since Richard Nixon has advocated the need for our energy independence. In 1974, Nixon promised we could achieve it within 6 years. Gerald Ford said we can do it in 10 years. And Jimmy Carter pledged to wage the moral equivalent of war to achieve it.

And yet, once again, as years have gone by, we haven't had the political will to do what needed to be done to reduce our dependence on foreign oil. And getting back to some of the comments that Mr. PERRIELLO made about the political part of it, you know, the bottom line is, at some point we do have to put politics aside and recognize that we are here for a reason. We are here to represent the best interests of the people of this country and not to represent necessarily simply our political parties. And you are right to say that these initiatives came, many of these ideas, cap-and-trade, came from the other side of the aisle. And yet, when we pushed that forward, we got very little support from the other side of the aisle.

□ 2210

Now, we did have some courageous Republicans in the House who voted with us. I think there were probably seven or eight who voted with us, but the bottom line is that we have been talking about this for years, and it was time that we did something about it, and I'm happy to be here with those of you who were willing to do what needed to be done to move us towards a better future for this country.

With that, I'll yield back.

Mr. BOCCIERI. Well, Congressman KRATOVIL, I know you believe in America, that you believe in American innovation and that you believe an energy policy that creates jobs here in America, that moves us away from our dependence on foreign oil and that makes us energy independent within a number of years is the right energy policy and the right economic policy for our country, which is about investing in our people, investing in our ingenuity and in our innovation.

You know, the most that we have at stake in this is the fact that Congressman PERRIELLO, Congressman KRATOVIL, Congressman TONKO, and Congressman MCMAHON—we all have families, and you think about where our moms and dads have come from in terms of what they have seen and the changes they've seen. They've seen us put a man on the Moon. We can do the same in 10 years. Our families have seen a lot, and we can produce the type of innovation with the right policy in this country that will move our Nation forward.

I know, Congressman MCMAHON, you believe in our Nation's national security. I'll yield to you.

Mr. MCMAHON. Thank you, Congressman BOCCIERI.

I know we all do. We all, I think, take serious umbrage at the fact that the Republicans throw out these myths, these lies and these prevarications when it's about national security. Let's look at one.

I mentioned how they talked about what it would cost every homeowner, and they said it would be $3,100 a year. This was a study that was disproved. We mentioned that earlier. Yet the Congressional Budget Office, the independent authority that they rely on so often for their facts, at least whenever it favors their position, has said that, under our clean energy and national security bill, every homeowner in this country on average, between now and 2020, will pay $175 extra because of this bill, not per year but over the whole course of the next 11 years.

In many places, like the Northeast, because of how we get our energy already and because of the infrastructure we have in place, our costs will actually go down $5 a month by 2018. Think about that. Some of us will save money, at most $175. Those rates would go up anyway.

On the other side, when it's about national security, when it's about young men and women who are risking their lives in the uniforms of our country, they're throwing out lies. You know, I just want to tell you one quick story about what happened to me today, and it really struck home. It's about a visit I had in my office.

You know, for 50 years, Staten Island was the site of the municipal garbage dump for the City of New York. Congressman TONKO knows the story well because he was very involved in environmental politics up in Albany when he was an assemblyman. It took us 50 years to get it closed, and it was 2,200 acres of the largest landfill in the history of the world. Today, because of this law that we passed in the House—and hopefully it will get passed in the Senate—a company came to see me because they want to put solar panels on that landfill.

Wouldn't that be a great American story? It would be a great success story for Staten Island, for the people I represent on Staten Island, for the City of New York, and for our country that, in a short period of time, within 10 years, you could go from a disgusting landfill and environmental nightmare to a place that is producing energy through solar panels or windmills as our borough president has suggested. What a great thing. That's America. That's the America we grew up in. That's the America we believe in.

That's the America you've spoken about, Congressman BOCCIERI, Congressman PERRIELLO, Congressman KRATOVIL, and Congressman TONKO. That's the America that we came to Washington to fight for. That's the America that the Republicans have turned their backs on, and that's the America that's worth fighting for.

Mr. BOCCIERI. Well, you're so right, Congressman MCMAHON. We all believe in the hope and promise of America, that with the right investment and with the right guidance with respect to public policy in this country, we can become energy independent and can create jobs here in America.

You know, we hear the raw fear that the other side spews out to try to scare people away from supporting the public policy that, in its essence, was truly a Republican idea in the very beginning. We hear the facts about rates, and we talk about how this is going to, you know, charge up rates and about how these government inspectors are going to show up and check on your light bulbs in your hot tub. I mean, this is utterly ridiculous.

First and foremost, in the State of Ohio, we have a Public Utilities Commission. The electric industry and other industries in the State of Ohio are regulated industries. They can't just arbitrarily walk in and raise rates. There has to be a justification. Our Public Utilities Commission, PUCO, is a function of State government, and we have empowered State governments in this legislation to make sure that these big utility companies are not going to run away as they transition to alternative forms of energy. So rates will be held in line. Despite what our colleagues on the other side will say, there are no taxes in this bill.

JOHN MCCAIN said it's a free-market approach, and it won't cost the American taxpayers. I believe JOHN MCCAIN was right. He introduced a cap-and-trade bill three times with Senator JOE LIEBERMAN. So this is about putting America first.

Congressman PERRIELLO, I know you have a few words.

Mr. PERRIELLO. Well, I just wanted to pick up on what Mr. MCMAHON was talking about as far as turning trash into energy. We're trying to do that in my district in southern Virginia. We're even trying to turn waste into energy. And by that, I mean manure. We've got poultry waste. We've got cattle farmers ready to turn this into power. Talk about a country that was built on the idea of making lemonade out of lemons. With what some of our forefathers were handed, this is it. We're literally making energy out of that.

The U.S. Department of Agriculture has estimated that by 2015 this will deliver over $1 billion to our farmers; and in the decades ahead, it could be up to $15 billion a year extra to our farmers. That's because our farmers are the hardest working people in this country. They're ready to be those freedom fighters.

There's one other thing I wanted to mention. You talked about rates. Not only are there lies out there about what it's going to do to rates and

taxes, but the most important thing, I think, in this bill and the one thing I hear so much about, whether it's from farmers or from business owners or just from people who are trying to keep the lights on in their own homes, is the crazy fluctuation in prices. You know, all of a sudden, you're at $4.60 a gallon last summer. Then you're down to $2. Then you're heading back up to $3 a gallon.

That fluctuation is driven, in part, by these speculators out there who are just gambling on the kitchen table budgets of the American people. For years and years, both parties have known that this huge Enron loophole was out there which was driving the speculation. For once, we finally went after it, and we actually protected consumers in this bill.

The CBO figures, which Mr. MCMAHON mentioned, about there being a $12-a-month increase is the maximum it would be. That's assuming we do nothing to reduce our energy consumption, and it doesn't take into account that we're going after these speculators who have been driving up the price. These people are making billions of dollars at the expense of the average American home. That's part of what we've done here, too, which is to go out and to protect consumers. So it's a smart bill.

You know, one quick thing before I yield back: people sometimes say, Have you read the 1,200 pages in this bill? Then I say, Have you? There's a lot of good stuff in there. There's a lot of good stuff that's going after these speculators and that's protecting consumers. Some of the best things for our farmers are in those 1,200 pages.

There are a lot of serious people here who were looking out for consumers, for farmers and for small business owners. Mr. BOCCIERI fought hard to get more money in this bill for manufacturing areas that have been hit hard with jobs going overseas. There's a lot of good stuff in here.

As Americans, we know that freedom isn't free. Part of that means you step up to the duties of citizenship, that you go out there and that you read the bill. Look at it as an opportunity, as an invitation to be part of this great freedom struggle for our country. We can do this, and this is a great step in that direction.

With that, I yield back.

Mr. BOCCIERI. Well, I thank the Congressman for his passion.

Before we wrap this up this evening, we've got to hear from a young, bright mind from Ohio.

Congressman RYAN, thank you for joining us tonight. Give us some of your words.

Mr. RYAN of Ohio. Thank you, Mr. BOCCIERI.

I was reading an article—and I was telling the Congressman from Virginia this. There was an article in The New York Times today, because a lot of people in our districts are like, Well, you know, China is not going to abide by this, and India is not going to have to deal with this, and we're out on our own here, and we've got to compete against these people.

There are actually provisions in the bill on steel and paper and some other things that do control imports coming from these other countries; but today in The New York Times, there was an article about this town in China where there was a big factory that was poisoning the people who lived within the area of this factory, and these people were going to the hospital. They were sick. They were nauseous. It was a bad scene. It was because of the pollution that was coming out of this factory; 400,000 people a year die in China because of air pollution.

□ 2220

And at some point, based on China's long history, they have these uprisings among the people, the government squelches it and tries to fix the problem. So if you have 400,000 people a year dying in China, at some point those people are going to want clean air. At some point.

I say this. Let China sleep for a couple of years. Let us get ahead of the curve. Let us make these investments and then produce these products, and finally we can export products to China that they're going to want because their people are demanding it.

So I wanted to come down and join this chorus because I think this is an opportunity for places like Youngstown, Ohio; Akron, Ohio; Canton, Ohio; northeast Ohio, where we have a manufacturing base in Virginia or New York or wherever the case may be to finally export things. Eight thousand component parts to a windmill, four hundred tons of steel. Solar panels have all of these complex components. We can do this. This is opportunity. Let's see it like it is.

And I tell folks back in our district, we have a Lordstown plant, a Lordstown General Motors plant, that is going to make this new car, Chevy Cruze. Why are they putting it at Lordstown? Why are they building the Chevy Cruze? Forty miles to the gallon. That's why. It's a green car.

Let's read the tea leaves here. This is where the country is going. This is where we need to be. We can finally be at a point, Mr. BOCCIERI, where we export products to China and we make money and create jobs here. That's what this is about. And we can talk about clean air and climate change, and I believe in all of that and I think it's great, but the bottom line is this means jobs for northeast Ohio.

And I think the more we talk about that, the more we recognize that, the more we plug our businesses in. Mr. BOCCIERI got a $30 billion amendment in to help the auto industry convert over to alternative energy. Those are the things we need to do, and those are the things that are in this bill.

So I yield back, but I think this is opportunity, and if we see it as opportunity, it will work for us.

Mr. BOCCIERI. Thank you, Congressman RYAN. You're exactly right that the pillars of this legislation are about creating jobs in America, moving away from our dependence on foreign oil, and making our Nation more secure. National security is a big issue.

Congressman KRATOVIL.

Mr. KRATOVIL. You're absolutely right. There was a lot of talk in the bill about climate change, and that was certainly a significant part of it. But the bottom line is, what was more important to me in terms of voting for this is exactly what you said, national security and creating American jobs. And the energy bill clearly presents an incredible opportunity to spur innovation and create new jobs in this country, and that was one of the big reasons that I supported it.

Also, I want to go back to something Mr. PERRIELLO said about the fluctuation in prices. Again, the irony in this country is that oftentimes we are faced with a crisis and we deal with whatever that crisis is but we never deal with the underlying issue that causes the crisis.

And you were talking about the gas prices. A year ago, when the gas prices were $4 a gallon, the entire population in America was saying, My gosh. What is going on? What are we going to do about this? It's outrageous that we're paying $4 a gallon. It's outrageous that we're sending money overseas to the people that seek to destroy us. What are we going to do about it?

And then a year later, people in this Chamber have apparently—on the other side of the aisle, apparently forgotten.

Well, my answer to that is we should never forget that if we were paying $4 a gallon for gas last year, we could be paying $4 a gallon tomorrow. That has not changed unless we take responsibility and do what we should have done 40 years ago and started making an effort to have energy independence and reducing our dependence on foreign oil.

We shouldn't get angry. We should get even and do what we need to do as Americans to reduce our dependence on foreign oil.

Mr. RYAN of Ohio. That's exactly the point, that if we do nothing—which is what our friends on the other side of the aisle want us to do is nothing. We know that over the last 8 years, $1,100 increase in energy costs. So keep doing that, you know what you're going to get.

What we're saying is we can't afford to keep doing nothing. We have to do something. And what we're doing is reducing our dependency. Give us control over what we're doing. We have no control in many ways when we're depending on sheiks in the Middle East. So, to your point, we've got to take control of this issue.

We're Americans, for God's sake. And you know what? When have we started in this country to be afraid of doing big things? Let's wrap our arms around this energy issue and take control of it

and take it under the umbrella of the United States of America and stop all of these problems. You're exactly right. If gas is $4 a gallon this summer, we would be getting calls from our constituents, What are you doing? And you know what? If it wasn't for the recession, it probably would be. So next year, there will be $4-a-gallon gas, and hopefully we're moving along to fix this problem.

Mr. BOCCIERI. Mr. TONKO, why don't you take a minute and wrap it up.

Mr. TONKO. Thank you for bringing us together, and it's great to develop this colloquy with our colleagues here in the House, but I can't help but wonder which of us would have the opportunity to serve in this House if we pledged at election time to make certain that we develop jobs in competing nations for developing green energy innovation? Which of us would serve here? Which of us would serve here if we pledged to send dollars to some of the most troubled spots in the world that find us defending freedom-loving nations against some of these forces around the globe? We would be rejected resoundingly by that electorate.

Well, that's what's happening here. The agents of status quo are content to continue this effort to have other nations build the renewable resources out there. They would be content to have the American public send tons of their hard-earned dollars into the economies of the Mideast on which we rely for well over 60 percent of our oil supply. That is unacceptable.

And we can do it cleaner, we can do it greener, we can do it through American resources that develop American jobs to respond to the energy crises around the world. We can become that go-to Nation that will be the exporter of energy intellect, energy innovation, energy ideas. Just like we won the race in the 1960s for the space race.

We need to win this race. We don't have a choice to enter in. I think that choice has been made because there is a competitive edge already that's being developed with other nations out there. We need to go forward with an aggressive investment.

The investment here is to combat a huge deficit that was inherited by this administration, by the Obama administration. It was driven high and it started with a surplus. They spent away that surplus. They drove us into a deficit situation, and now it is necessary for us to invest in an innovation economy that creates jobs.

Mr. BOCCIERI. I thank the gentlemen for joining us tonight. This has been a very intriguing dialogue, and I hope we garner a deeper appreciation for what it means to become energy independent. You all have the right vision. Now we have to find the courage in the Senate. We have to find 60 patriots in the Senate who will stand up and put America first and suggest that this is about producing and creating jobs here in our country, protecting our national security, and moving away from our dependence on foreign oil.

So with that, I will yield to my good friend from New York as we wrap it up.

Mr. MCMAHON. Thank you for convening the Freshmen Power Hour, and thank you also for having such a special guest in Congressman RYAN gracing us with his eloquence here, with his maturity and wisdom from so many years here in Congress.

You guys have said it all here tonight. This is, quite frankly, a no-brainer. Cap-and-trade was a Republican idea. It makes sense. It's market principles. It's about national security. It's about jobs, manufacturing good jobs for electricians and carpenters and plumbers and steamfitters and engineers and scientists. It is about our environment, too.

You know, Congressman RYAN, when you were talking about the people in China saying, Hey, we want clean air, in Staten Island in New York, we have the highest lung cancer rates in America. The people of Staten Island and Brooklyn and New York City, we want clean air, too. So it's about the environment as well.

But this is a bill that allows us to do all of those things in a uniquely American way, the right way. I'm glad we voted for it in the House. I'm disappointed at the Republicans that they keep lying about it, but I hope, as you said, 60 patriots in the Senate will find a way to get this done and we'll send this bill to the President's desk and get it signed.

Mr. BOCCIERI. Mr. Speaker, let's get this done for America.

We yield back.

□ 2230

CULTIVATING AMERICAN ENERGY RESOURCES

The SPEAKER pro tempore (Mr. MINNICK). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. I do appreciate the time.

As frustrating as these times are, and as difficult as these times are for America, it never ceases to be an honor to serve in this body and to be serving, in my case, the constituents of east Texas. It does mean so much, and the more that you know about history and where we've come from——

Ms. FOXX. Would my colleague from Texas yield for a moment?

Mr. GOHMERT. Yes, I will yield.

PARLIAMENTARY INQUIRY

Ms. FOXX. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. FOXX. One of the gentlemen just speaking in the Special Order said, ''Republicans keep lying about it.'' I thought there might be some concern about the use of that phrase, and I would like to ask the Speaker if that is an acceptable phrase to be used on the floor when speaking about other Members.

The SPEAKER pro tempore. Members are reminded not to engage in personalities.

Ms. FOXX. Thank you, Mr. Speaker. Unfortunately, the folks who said it are not here to hear you say that. But thank you very much.

Mr. GOHMERT. I appreciate the gentlewoman from North Carolina pointing that out. I was in the back, jotting down a few notes. But I have had some concerns about some of the things that I had heard. For example, it is inappropriate under the House rules for someone in this body to call another person in this body a liar. That violates the House rules clearly. It's inappropriate to call names in here and engage in personality destruction. That's not appropriate. I've had constituents wonder why those of us on the floor don't call each other names, like Gordon Brown was called in Parliament in England. I have explained to them, Well, we have rules in the House. We don't do that kind of thing here. It's entirely inappropriate, and you can be called down. You can be censured for inappropriate conduct here on the floor and name calling, engaging, as the Speaker said, in attacks on personality.

But there was a comment I did hear in the discussion amongst my colleagues across the aisle about energy; and what I noted when I wrote down the comment was, ''If we do nothing like those on the other side say,'' and I attribute no ill motive or intent to that comment. But the trouble is, that is not accurate; and obviously, it indicates just an ignorance with regard to what has been proposed on this side.

For example, in the area of energy, we have proposed bill after bill that would provide this country more energy. For example, 80 percent or so of our coast is off-limits to drilling off that coast. You can drill off the coast of Texas, Louisiana, Mississippi. There are some areas where drilling is going on. But we have found in Texas that despite all the naysayers who have said it would kill off fishing, when I was growing up in Texas, they allowed platforms off the coast. We ended up having platforms off the coast of Texas, drilling for oil and gas. Lo and behold, guess what happened—fish proliferated out there. They used the platforms as an artificial reef. So if you go out fishing in the Gulf with a guide, they're likely to take you to an oil and gas platform because the fishing abounds around there. Lo and behold, man and environment can work together for the good of both. Not only would we produce great amounts of energy and avoid this country going back to $4 a gallon gasoline, which we are going to go to because of the policies of the current administration and the current Speaker who want to put more and more—not just want to—they are constantly putting more and more of our natural energy resources off-limits, just constantly.

Some of us have had bills, supported bills that have used the information available to say, If we allow drilling off the Outer Continental Shelf, it will do a number of things. For one thing, it will provide tremendous amounts of money for the Federal Treasury because of the royalties coming from that. Not only that, there are estimates that if we allow Outer Continental Shelf drilling, that it would produce at least 1.1 to 1.3 million jobs. Well, the President originally promised that he would create 3 million jobs, and he backed off of that and said, well, he may save that many, or 4 million, may save them. And obviously you can never document that you saved a job, only if you created them or didn't. So that's why it was important to inject the word ''save'' in there.

But with regard to drilling in the Outer Continental Shelf, there would actually be real jobs created, not just on the platforms—there, of course—but it would create jobs in every single State. Then also if we allowed drilling up in ANWR—and it's not this beautiful mountainesque area up there. It's not. You go up there, and there's nothing there. Nothing lives there. The caribou may go through once a year, but they can't live there. There's nothing to live on. Birds may fly through every now and then, but there's nothing there for them to live on. That's the area that Jimmy Carter designated for drilling because it was an ideal place, and there was plenty of oil there. But if we allowed the oil to be pursued there, it would create a tiny footprint; and compared to the massive size—and it gets smaller constantly with technology—there would be another 1 million jobs created around the country, the United States, more Federal money, more jobs, which actually would create more Federal money. Then also there are some slopes in Alaska where drilling for natural gas has not been allowed, and that's estimated to create another 1.1 to 1.3 million jobs. We could have between 3 million and 4 million jobs without taxing an extra quarter of a penny. It would cost nothing extra if we just used the resources we've got.

Ms. FOXX. Would the gentleman yield?

Mr. GOHMERT. Yes. I yield to my friend from North Carolina.

Ms. FOXX. I appreciate your helping to correct some of the things that they said. But I was very concerned with the fact that they said, We, on this side, want to do nothing. You know, I can challenge the veracity of their comments, particularly on that one. The gentleman, I know, is aware of the fact that Republicans have been trying for 2½ years to do something about the situation with energy. I know that you shared with 130 of us, I think, who came down last summer and spoke all during the month of August. But just for my sake and for anybody who's watching tonight, would you please verify that Republicans have offered several bills to do the very kinds of things that these gentlemen were talking about tonight? The unfortunate thing is that we're in the minority. They're in the majority. So they can talk a lot about it, and they could do something about it when we could not at the time, except bring it to the attention of the American people. But please make a comment about the American Energy Act.

Mr. GOHMERT. Well, sure. We had the American Energy Act. There are so many Republican bills that have been filed, and they encompass virtually everything. We want more solar. We want more wind. All these different sources. Nuclear power. I never thought I would end up indicating we ought to emulate France about anything, but they've done a terrific job in producing nuclear energy.

□ 2240

And so that is another area that we can utilize.

Natural gas from the horizontal drilling, the hydraulic fracking, when it's properly done, it has produced now, in recent years we find out, much more natural gas than we thought. And we have plans that encompass all of these things, every single source of energy.

What also our friends across the aisle have not realized, they made a comment about how their energy, their ''crap and trade'' bill would actually create jobs. And that does indicate to me that they didn't read their own bill. And that's rather unfortunate because there are things that contradict what they said.

But we've had many bills, and we call them ''all of the above.'' And as my friend, Dr. Foxx, recalls, we were pushing an all of the above. We want to utilize all of the gifts with which this country has been blessed. We have more coal—now, coal burned improperly pollutes the atmosphere. We can demand better; coal-to-liquid that doesn't produce all the pollution that just burning coal does. We can require scrubbers, as we have over the years, to help clean up the environment.

We have more coal than any nation in the world. We have vast supplies of natural gas, now over 100 years worth. We've got vast amounts of oil. We had estimates in our Natural Resources Committee—and we've talked about so many of these issues there—in a 500-square-mile area that includes Utah, Wyoming, and part of Colorado, there is a very thick shale there that we would like to see oil produced. And some estimates are 1 trillion to 3 trillion barrels of oil could be produced. Well, we were told that there's only about 1 trillion barrels of oil left in the entire Middle East, and we may have one to three times that much in one 500-square-mile area if we allow the people to go after it. And our plans all include those things.

But one other thing about pursuing that energy ourselves would be, we have a plan. We have bills that would actually take the money from the Outer Continental Shelf revenue, it would take money from ANWR production, it would take money from the gas production in Alaska and would actually use that to do research and find these other sources of energy.

I have a bill myself that they won't let come to the floor, and it's far-reaching. And some might say, well, it's kind of like the Star Wars idea that Reagan pushed—which ended up bringing down the Soviet Union and providing cover for so much of the world these days. But I really believe that someday solar energy will be our best source of energy and we'll be able to utilize it more so than ever. But we don't have a good way to store electricity. We can store energy. Energy can be stored, as it is in a place or two around the country, where during low-usage times they will maximize production of electricity to use it to pump water up into high reservoirs so that in peak times the water can flow down, turn turbines, and produce additional amounts of electricity. Now, that's storing energy, but it's not storing electricity.

So I had a bill that would say, for anyone who comes up with a way to store electricity in megawatt amounts for 30 days without losing more than 10 percent of the power, you get a $300 million cash prize. Now, obviously if somebody comes up with a way to do that, they're going to make a lot of money off the process. Some say there is no way that could ever happen. Some scientists I've talked to said, Man, if we could do that, find a way to hold that electricity, we would never need any other source again. It would revolutionize everything. We might even be able to harness electricity. I mean, the lightning from electricity that would come down, we could just store that.

And so those things, I think they are out there. I don't know of a Democrat bill that addresses that; that's a Republican bill, that's my bill. That's far-reaching; it's not going to happen in the next 2 years. But we believe if you use the energy resources we've got, the carbon-based resources we've got, demand clean air, clean water, and be good stewards of the environment, but then use the proceeds to develop the next generation of energy, then we don't have to have people lose jobs.

Now, our friends across the aisle were talking about they were concerned about jobs going to China and places like that. The fact is, that crap-and-trade bill is going to run jobs to China, India, Brazil. And I don't see how anybody can say they're going to help the environment by closing down manufacturers in this country and driving them to countries who produce four to 10 times more pollution to do the same job that goes into the same atmosphere. That is ridiculous. That doesn't preserve our environment; it makes it worse.

And another thing, too, it's historical fact that when a country's economy is struggling, the country quits

worrying about the environment. They quit being good stewards of the environment. We don't have to do that. We can be good stewards, but you've got to have a vibrant economy to do that.

So why in the world would you want to put extra requirements on your industry in order to drive them to countries that would pollute 4 to 10 times as much? It makes no sense at all.

I yield to my friend, Dr. Foxx.

Ms. FOXX. Well, I think that this is a great segue to talk about the other subject that we wanted to talk about tonight, which is health care, and what is happening with the health care debate.

Mr. GOHMERT. Let me reclaim my time just briefly because that's where we want to get, but I do want to point out one other thing.

When I hear the talk about what this body is doing to create jobs, let me mention this. They didn't read the crap-and-trade bill because it says—and I pulled it out here on the floor, but I didn't have the full bill because there was only one bill in which both the 300-page amendment filed at 3:09 a.m. was being interfaced with the other bill, and that was right up there on the second level. And I finally got up there and found out where the one—and the Speaker ruled, consulting with the Parliamentarian, that even though there was no final bill that was put together with the amendments in the final bill, that that two stacks of documents that was not collated, didn't have all the lines deleted that it was supposed to, that that bill constituted the official copy that was supposed to be here on the floor.

But in that bill there was a climate—I believe it was called a Climate Adjustment Fund, something like that, and it created a fund. And in the face of people saying across the aisle that nobody's going to lose their jobs, we're going to create jobs—and I heard it again tonight—if you just read the bill—obviously these weren't the people that wrote it, but whichever staffers wrote it, they knew that somebody was going to lose their job. Maybe Members didn't know because they hadn't read it, but the staffers that put that bill together knew people were going to lose their jobs because the fund said it was to compensate people who lost their jobs because of the crap-and-trade bill.

And not only that, it created money in there to help people with relocation. But the problem is, it wasn't going to help them relocate to China, India, Brazil and these different places where those jobs were going to actually go. That was in the bill. So the people, whatever staffers drafted that bill, they knew people would lose their jobs, but unfortunately the Members that didn't read the bill didn't know that that was in there.

And not only that, as my friend, Dr. Foxx, knows, in the last month, what have we been doing? According to my friends, some of them across the aisle, Oh, we've been concentrating on jobs, jobs, jobs. Last week, we passed a bill for $770 million for wild horses and burros. I love horses, I grew up riding them, I love them. But the problem created after our friends across the aisle took the majority, they outlawed controlling the herds of these wild horses—even though they have an area bigger than New York State to run wild in.

Well, they have proliferated like crazy. And now, since we couldn't do anything for herd control, now they want to spend $770 million, a big hunk of that, to buy a place bigger than West Virginia for the horses to continue to run around in. There was some money in there that I'm sure would have created a few jobs, that was going to help the wild stallions with their birth control, their contraception. So that was going to be interesting to see somebody apply for that job and do whatever was required to help the stallion with his contraception needs. But anyway, that was $770 million.

Not only that, my friend knows that we just passed—and I know neither one of us voted for it—we passed a bill for $25 million to help the otters. And as I pointed out here, when we passed the bill for $25 million for the cranes—not the whooping cranes, but cranes, most of which are in other countries—and $25 million for rare dogs and cats—none of which are in this country.

I was pointing out to my friends across the aisle, you know, you talk about wanting to save jobs and helping; we've got Americans with habitat problems right here. And you're sending money to China that we have to borrow from China in order to buy land to let these rare dogs and cats live on so somebody can move into that area that's starving and kill those rare dogs and cats. I mean, that's insane when we have Americans having habitat problems.

□ 2250

So when I hear people saying oh, no, we're all about jobs, jobs, jobs, I am very concerned. But I was able to point out to some of my friends that supported the crap-and-trade bill that actually there is good news in there for the people that supported that, like our friends across the aisle that did, that actually when the voters find out what all is in that bill that they didn't read, there's good news for them because they may be eligible for both relocation and that allowance because they'll lose their job as a result of that bill. So they may be able to get proceeds under the fund when they lose their jobs because they voted for that bill. I did want to point those things out.

The sea turtles, don't forget we sent sums because it may be necessary to protect sea turtles, and 80 percent of that is required to go to foreign countries and not stay here. I mean, people here have habitat problems, and we're spending money like it's just growing on trees up here, and we are going to be in trouble.

Now I would like to get into the health care issue because there is money being spent, again, like it's growing on trees. The estimate of the President's plan, $1 trillion to $2 trillion. We had just gotten the data back, I think, in May for 2007 that showed all the spending for Medicare and Medicaid. It didn't even include SCHIP. Medicare and Medicaid. And we want to help people. We are a caring Nation, and that's what a caring Nation does. But you've got to spend your money wisely.

So we got the data, and you divide the number of households in America into the amount of money spent by the government on Medicare and Medicaid, and it's $9,200 per household, for every household in America. The average is every household in America had to come up with $9,200 in order to fund much less than one-third of the population on Medicare, Medicaid, and SCHIP. Well, that's insane. We can do better than that.

That's why I started putting together my own bill that basically would save tremendous amounts of money. And for the first time ever, senior citizens would have complete coverage. They wouldn't have to buy wraparound, supplemental coverage, anything like that. They would have complete coverage with a high deductible insurance, which is normally so much cheaper because you have the high deductible.

Then to cover that deductible, for any household where people were on Medicare, Medicaid, or SCHIP or any combination, we would give them cash money, $3,500, in a health savings account that they access with a debit card, and it is theirs to access for health care. And for anybody that might try to spend it on anything else, it wouldn't work because the bill requires it to be coded in such a way that only health care items, whether it's prescription drugs, over-the-counter drugs, treatment at the doctor's office, all those kinds of things would be covered. And when you ran up $3,500, if you did, then the insurance that we would purchase for you every year would kick in and you'd be covered.

And to provide $3,500 in a household account of everyone on Medicare, Medicaid, and SCHIP, give them that cash money in the health savings account they completely control with that debit card, no gatekeeper insurance company or government telling them they can't if it's truly for real health care needs, and then above that the private insurance we would purchase with Federal money would cover them so well, they wouldn't need any kind of other supplemental.

Now, that is showing care for senior citizens, for those who are in poverty. For all of those who are in poverty, senior citizens, disabled that needed Medicare, Medicaid, or SCHIP, that is the kind of caring that I know Republicans care about; that you can do it

better without some government bureaucrat jumping in between people and their doctor.

Now, I have a health savings account right now and insurance coverage. Some people say Congress has got these gold-plated policies. I've got a $3,000 deductible. I had better insurance when I was in private business. I had better insurance when I was a judge and chief justice than I do right now. I did. But I've a $3,000 deductible policy, and I try to accumulate enough money each month into my health savings account, but it's going away at the end of the year.

Well, in the bill that I'm going to file, and I have about got it finished, it actually lets your health savings account amount roll over if you have excess in there each month. But for our seniors, all those on Medicare, Medicaid, and SCHIP, they would get a new $3,500 in their health savings account every year. They would have new insurance purchased every year. And they couldn't be dropped because of a preexisting condition or anything like that. They'd just be covered and we'd take care of them. That's the kind of thing that shows when you really care about people.

I yield to my friend Dr. Foxx.

Ms. FOXX. I appreciate my friend leading the Special Order here tonight on health care.

I always like to start with setting the stage and getting the facts. I come from a background in education and in business, and I like to put the facts out so that people can see what they are and then make judgments themselves instead of just saying, like some of our colleagues do, what is happening. So I would like to show a chart that I have and I'd like to really talk about what is being talked about and what has driven this emphasis on doing something about health care.

Now, we hear that it's being called ''health care reform,'' although I think some of our colleagues and the President have stopped using that term ''health care reform.'' But I think it's really important that we put into perspective what it is we are talking about.

We hear all the time that there are 47 million Americans who do not have health care. That is not accurate. I have the numbers. I have the sources for them. If anybody wants to get these from me, they're from the Census Bureau. They are from the Congressional Research Service, the National Institutes of Health, the National Institute for Health Care Management, and the National Survey of American Families. So these are not numbers that I have made up or Republicans have made up; these are numbers that come from government sources.

So first of all, we don't have 47 million Americans who do not have health care. I've said it before. I have been criticized for saying it. But it is the truth. All Americans have health care. All they have to do is go to a doctor or go to a hospital. They will get health care. We do not turn people away from health care providers in this country. So they have health care.

But what these people really should be saying is they want to talk about the number of people who do not have insurance. There is a big difference between saying a person doesn't have health care and doesn't have insurance. And even that number needs to be clarified. So the folks who are making a big issue out of 47 million Americans, which is an inaccurate figure, really should be saying there are 45.7 million people in this country who are uninsured. Now, let me break that down.

Of those, 9.5 million are not citizens. So when you hear it's Americans who do not have health insurance, that's not accurate either when you're using the 45.7 million because 9.5 million of them are noncitizens. Many of them are here illegally.

Then we have people who are eligible for public programs: Medicare, Medicaid, SCHIP. That's 12 million people. They have chosen not to participate in those programs.

You know, this is the freest, greatest country in the world. We are allowed in this country to make decisions, lots and lots of decisions. And I find it really interesting that our friends on the other side want to push choice that destroys unborn babies but when it comes to choice for school, when it comes to choice not to participate in a government program, they are not so keen on that. But we do have 12 million people who have chosen not to go into Medicare, not to go into Medicaid or SCHIP.

□ 2300

That's their choice. Then we have 9.1 million who are only temporarily uninsured. That means for maybe a month out of a year, in between jobs, or for other reasons, they might be uninsured. But they are not uninsured all the time. That is just for a brief period of time. So that's another 9.1 million. Then there are 7.3 million who make over $84,000 a year. They are perfectly capable of purchasing health insurance. But most of them are young people who don't feel the need to do it.

I talked to a lady on the phone tonight who used to own a small business, and she said that it was all men, and they were between the ages of 20 and 35. And she said, we had the lowest rates for insurance of anybody because those people don't get sick very often and don't need a lot of insurance, and insurance obviously is calibrated on facts related to the age and the usage. And so she said it was very low rates at that time.

So a lot of people who are in that age range don't see the need to get insurance. So there's 7.3 million. That brings us down to 7.8 million who have lower income and long-term uninsured. These are people who probably would like to have insurance, but they feel they can't afford it. That's the number of people that we need to be serving in this country.

We do not need to turn our culture completely upside down, which is what the proposal from the Democrats is, in terms of health care, give government control of our lives, to take care of 7.8 million people. That would be a relatively inexpensive thing to do when you're talking about trillions of dollars.

Now, I believe, as my colleague has mentioned, that we need to reform Medicare and Medicaid. I believe in that. I think we should be doing better in those areas. We could make those programs better. We could have a higher quality of care, I believe, and again, more choices for our seniors and for those who need those programs. But we simply do not need to redo the entire health care system in this country to take care of 7.8 million people.

We know that American people are hurting. Republicans know that we need reform. And I want to go back to what our colleagues on the other side of the aisle keep saying. But saying it isn't going to make it true. They keep saying, Republicans don't want to do anything. They talk about our being the do-nothing group. That is simply not true. It was Republicans who instituted health savings accounts. And it's one of the things that the Democrats most hate because, again, it gives people choices. It allows people to build wealth. If they put that money into health savings accounts and they don't use it, they keep it. If you put money into insurance and you don't use it, it's gone.

We believe in building wealth and allowing individuals to do that. We believe in continuing the good habits that this country has fostered over the years, again, keeping the government out of our lives, keeping the government from running our lives from cradle to grave, and letting people make their own decisions and continuing to make this country the great country that it is, the only country I know of where people are struggling to get into. And I'd like to yield back to my colleague from Texas, because I know he has some great stories to tell about issues related to health care and some experiences, more experiences to talk about. And so I'd like to yield back.

Mr. GOHMERT. I thank the gentlelady for yielding back. But I thank her even more for her insightful comments and explanations about those who are without insurance and what the real number is that we're talking about, and the real number that we really need to do something to assist. That is so immensely helpful.

But I was struck last week too that, during debate over the health care issue, and some on this side of the aisle were giving story after story, true stories, of just terrible things that had happened, and people died, suffered immensely under health care in England or Canada because of the long waiting list that people get put on to get, either diagnostics to find out if there's a problem, or what the problem is, and

then whatever the therapeutic need is, whether it's surgery, radiation, whatever, how long they waited, and some died while waiting for that.

And we had a friend across the aisle get up and say that, You know, gee, folks here are talking about Canada and England and their health care. No, no, we're not going to be like them. We're America. We always do things better.

And I was so struck by that comment because, for a couple of decades, we've been hearing people on the other side of the aisle talk about we need health care like England. We need health care like Canada. And that's been going on for a number of years, pointing to Canada. Look, we need to be like Canada. We heard that over and over. And then when we start getting into the nitty-gritty and just exactly how people are getting treated in Canada and England, the great examples we've heard for so many years, and we start pointing out these are not good systems that you've been telling us we need to imitate and emulate, then we get the response, Well, we're America. We'll certainly do it better than they did.

Well, the trouble is it doesn't matter what your country is. When you pursue socialism, and the United States government or any other government is trying to take over health care, and run health care, you're headed for trouble. It's socialized medicine. I was an exchange student in the Soviet Union back in 1973 for a summer. We went to hospitals, to medical schools. There were 8 of us allowed in on that program in the Soviet Union that year. And anyway, I don't want socialized medicine. I've seen it.

And now we have friends across the aisle who have admitted this week that, really, you know, the public option they've been pushing for, it's just a way to finally get to the single-payer health care where the government runs everything. And my friends, Mr. Speaker, should know that once the government pays for everybody's health care, then they will have every right to tell you how to live, tell you what you can eat, tell you where you can go, if it's too dangerous. Once they pay the health care, then freedom and liberty that has been known in this country will be so dramatically impeded.

We don't have to go there. And when you use common sense, which I'm told in Washington is not so common, you use common sense, you see that we're already, probably by now, spending $10,000 from every household in America, on average, to just give 90 million people health care. And you realize, good grief, we could do better than that. If we just bought them the best sterling silver, golden health care in the world, gave them that kind of coverage, and there are some things that need to be done so the insurance company doesn't create problems and impede your freedom there, too. And you give them money for their own health savings account that they completely control, and it ends up being cheaper—that's a real solution.

□ 2310

You give senior citizens complete control for the first time since Medicare came into existence, and then you give them complete coverage like they've never had, like they've never had. So that's a rather significant development.

There are a few other things I'd like to point out which are proposed in my bill, because I am sick of people across the aisle saying that we don't want to do anything about health care and that we like the status quo. Folks, we cannot stand to do the status quo. We have got to make some changes or it is going to bankrupt this country. We can do better, and this is one proposal that will.

One of the things we've got to have is complete transparency in health care costs because we sure don't have it now. We're not even close. You know, I've asked myself before: What is this going to cost? Well, it all depends; and it does. Which insurance have you got? If you don't have insurance, then that's another cost; but they may give you a little discount. Even if they give you a little discount, it's not going to be as cheap as you could get if you were an insurance company like Blue Cross.

Well, under my proposal, under this plan, you would have complete transparency because every health care provider would have to disclose to you exactly what the cost is. If they're proposing a cost that's different to you than what they've charged to some insurance company, then they have to tell you that, and they have to tell you how much they charge to these other entities. That's part of the bill. We've got to get away from this insane billing system where a hospital may bill $1,000 to $1,500 for a room for a night, hoping they'll get back $100 to $150.

I was involved in a situation. It wasn't my personal situation, but I was very familiar with it. There was a car wreck. A man ran a stop sign. The hospitalization was 2 days, the testing, all the doctors, the ambulance—everything—came to around $10,000. That was the total of all the bills. As an attorney, you gather together all of those bills, and you provide them to the auto insurance company of whoever is at fault, and often they'll work out a settlement with you.

In that case, a settlement was reached. Money was put in escrow as required under State law, and then State law requires, before any of the proceeds of the settlement can be disbursed, that it has to first refund any money that any health care provider or insurance company has provided on behalf of the injured party. So, in accumulating the documentation, again, it was around $10,000 total.

The documentation came back from all of the providers that everyone had been paid in full by the health insurance company of the injured driver. Everybody has been paid in full under their agreement with the health insurance company, so then you have to get documentation from the health insurance company.

Okay. Show us how much you paid to all of these different health care providers—hospital, ambulance, tests, doctors, all that stuff. Show us how much you paid to satisfy the $10,000 in health care costs, and you'll be cut a check for that amount, and we'll send it right on out to you. The documentation came as to how much the insurance company paid in full satisfaction of $10,000 in health care costs, and it was right at $800 to satisfy $10,000 in medical claims.

So, if you're the party and if you get these claims, you go, Oh, my word. This is $10,000 of health care costs? Thank goodness I have insurance. I sure couldn't afford $10,000. If you knew the real truth, that it was being paid in full with $800, you might realize, gee, you don't need as much insurance as you thought you did. You could buy cheaper insurance; you could have a deductible, and your insurance would be cheaper.

With the proposal for everybody, it would cover everybody on Medicare, Medicaid and SCHIP or any combination. We give them cash in their accounts that they control, and then buy insurance on top of that. It will save this government money, the State's money, and it will give dignity back to seniors who've had to beg the government, who've had to beg their supplemental carriers and who've had to get into arguments. That would have to cease. That would cease and it should. As the Federal Government, we should see to that and not create greater slaves to the Federal Government.

Another thing that this bill would do—and again, it's a Republican bill. There are numerous, wonderful plans that are being proposed on the Republican side of the aisle, but we're not in the majority. The majority can control and can keep every one of these great ideas from coming to the floor. In my proposal, it also addresses and provides great incentives for employers to pay money into individuals' health savings accounts, and that would be money that you, the individual, would have, would control, which would be yours. Again, it's a debit card—it's in the bill—that's coded to cover things that are health care related. Then you would have a high deductible insurance to cover things above the health savings account amount.

Yet since young people hardly cost anything, young people in their 20s and 30s, they would be accumulating vast amounts of money in their health savings accounts so that, by the time they would get to be seniors, the government wouldn't need to pay anything because they would already have so much in their health savings accounts that they could buy their own great insurance. They could pay for whatever they'd need, and they'd have a high deductible insurance.

There have been some statistics that have been put together that have shown that young people could pay for the best assisted living that they could ever need. Special needs would be addressed. That would be the way to get off this road to the $22 trillion that has been estimated we're headed toward with the Medicare system we're on right now.

There are those who have been desensitized by President Bush's requesting $700 billion last fall, by President Obama's asking for $700 billion this year and by the $400 billion land omnibus bill's actually getting, apparently, over $400 billion of the original bailout money for Secretary Geithner to throw around at his friends as he sees fit. So people have kind of been desensitized as to how much $1 trillion is.

So that it can be put in perspective, the total amount estimated to have been received by the U.S. Treasury for tax year 2008 is apparently going to be around $2.5 trillion.

We have Medicare that is running through the roof, which will break this country. At the same time, seniors, relatives of mine whom I love and care about, are having to buy supplemental insurance because it really doesn't take care of what they need. They're fussing with their insurance companies; they're fussing with Medicare. That is ridiculous. You get toward your last days on Earth, and you've got to fuss over that kind of stuff? That's absurd. We don't have to do that.

Another issue, though, with regard to health care is not only the transparency of costs, but it is an issue with regard to migrants, both illegal and legal, getting free health care. We've seen very clearly health care costs will bankrupt this country if we don't do something to save this Nation, and we can. It's doable, but we have got to get back to reality.

It's estimated that there are over 1.5 billion people in the world who would like to immigrate, who would like to come into the United States. Legally or illegally, they would like to come into this country. Well, we've got over 300 million Americans right now. If 1.5 billion people came into this country, it would overwhelm everything, and we would be bankrupt overnight because we would not be able to absorb that kind of thing.

So, at some point, we have got to go back, as our forefathers did, and say: You know what? The rule of law means something. That's why we have such a top economy in the world, and that's why our friends to the south, Mexico, don't. They've got great workers, hard-working people. They've got incredible national resources, but they're not one of the top 10 economies because they've not been a nation of laws where the rule of law has mattered. They've been a country where graft and corruption all too often have been the rule of the day, not the rule of law. You can bribe your way out of things, and that is why they have not advanced.

Well, we don't need to forsake the rule of law. I am all for having all of the visas we need to supply the workers we need. Right now, we don't need a lot of workers, because there are a lot of out-of-work Americans.

So, as to all this talk about jobs Americans won't do, well, we had a hearing in the crime subcommittee in the last couple of weeks, and we found out that, out of just over 200,000 people incarcerated in Federal prison, 53,000 of them are migrants, immigrants in the country. We were told that most of them were illegal immigrants. We didn't get the exact number out of the 53,000.

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But over 25 percent of the people in Federal prison are not American citizens and most of those 53,000 are illegally here. Well, people who are illegally here and are not paying for health care will bankrupt this country if we allow this to go unabated. And some of us care enough about our contribution as the greatest philanthropic country in the world's history and if we'd like to continue to do that, that we need this economy going and going forward in good measure.

And so part of this proposal and part of this bill is that if you are seeking a visa to come into this country, you will have to show proof that you have a health savings account, health insurance to cover your health needs while you're here. There's a provision where employers can set up migrant worker health care costs, or to cover health care costs while they're here and that will satisfy the requirement. You can show proof that the household you're going to be living in will allow you to be part of their household insurance and health savings account. But you're going to have to provide that or you don't get a visa or you don't get one renewed.

Not only that, the Supreme Court in this caring nation says if you present yourself while you're illegally in this country to a hospital, we'll provide your health care needs. That's the law. The Supreme Court says it is; we'll follow the law. But once we've got you well enough to travel, you will be deported and because a bankrupt nation is a matter of national security to avoid, then if you come back after you've been illegally here and required free treatment, free to you but at a huge cost to the American taxpayer, then that will be a crime, that you came in illegally, got free health care and then after deported you came back again, that will be a crime and you would have to be incarcerated. We have got to stop that, so that we continue to be the kind of nation that 1.5 billion people would like to come to and that people around the world can receive the great charity of this nation. Otherwise, a bankrupt nation can't help anybody around the world.

Mr. Speaker, I would like to inquire, how many minutes do I have left?

The SPEAKER pro tempore. The gentleman has 6 minutes remaining.

Mr. GOHMERT. Thank you, Mr. Speaker.

I would also like to point out that under this health care plan, insurance whether purchased by the employer, purchased by the Federal Government, purchased by the individual, it will be totally owned by the individuals that have the insurance which means it's fully portable. There will be provisions that you can't be dropped because of preexisting conditions, things like that, because we have got to get things back on keel and that would be very helpful to do that.

I would just like to encourage, Mr. Speaker, those who are beginning to think, and I was on a telephone town hall conference tonight before I came over. We had thousands of people on that call. We asked the question, how many would like for the government to run health care? And we had right at 98 percent say they absolutely did not want the government running health care. They know too much about it themselves. We asked how many people were satisfied with their own health insurance or their health care situation and the vast majority were. We don't have to redo the entire system. We don't. But we can do better than we are, and my Republican friends I've talked to, especially the last couple of weeks, like this idea. We'll be getting that filed and we'll get it scored. There's an opportunity to show the caring heart of Americans. And in a different way from what my colleague across the aisle was intimating when he said, We're Americans, we can do—what he was talking about—socialized medicine better here than they've done it. Not if it's socialized medicine, but I would submit to you as Americans, we can do better.

I never seek to impose my religious beliefs on anyone else but I think it's important to know history and where we are and I'd just like to conclude, because it may be a word of encouragement to people, that when the Washington Monument was dedicated, there's a four-sided pyramid capstone that was put on there, there's writing on all four sides but on the side facing the Capitol, up here this way, are the Latin words, laus Deo, praise be to God. That's on the top of the Washington Monument. That is the tallest point in Washington, D.C. Those people back then put laus Deo, praise be to God, on the side facing the Capitol for this reason: This is east of the Washington Monument. This is the side from which the sun comes up. They wanted to make sure that when God's first rays of sun hit anything in this Nation's Capitol, it was the words—boom—praise be to God, and that is what I hope Americans will be able to say with our Founders for many centuries to come.

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

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. TITUS, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SCHAUER, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Friday, July 31, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2937. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Requirements Applicable to Undefinitized Contract Actions (DFARS Case 2008-D029) (RIN: 0750-AG29) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2938. A letter from the Chief Counsel, FEMA, Department Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1055] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2939. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting draft legislation entitled, ''Defense Production Act Reauthorization of 2009''; to the Committee on Financial Services.

2940. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8081] received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2941. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of July 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2942. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-14, proposed Letter(s) of Offer and Acceptance, pursuant to section 36(d)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2943. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2944. A letter from the Assistant Secretary and the Acting Assistant Secretary for Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 046-09, Transmittal No. DDTC 065-09, Transmittal No. DDTC 005-09, Transmittal No. DDTC 070-09, and Transmittal No. DDTC 052-09, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

2945. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2946. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment (Transmittal No. DDTC 074-09); to the Committee on Foreign Affairs.

2947. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed export defense articles or services (Transmittal No. DDTC 028-09); to the Committee on Foreign Affairs.

2948. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 010-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2949. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 063-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2950. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 057-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2951. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 073-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2952. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to Germany (Transmittal No. DDTC 051-09); to the Committee on Foreign Affairs.

2953. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 067-09, certification of an application for a license for the export of defense articles of defense services to be sold under contract, pursuant to section 36(c) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2954. A letter from the Auditor, District of Columbia, transmitting the Office's report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2955. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 7A for Fiscal Years 2005 through 2008, as of March 31, 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2956. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 6C for Fiscal Years 2005 through 2008, as of March 31, 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2957. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-34; Introduction [Docket FAR: 2009-0001, Sequance 5], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2958. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-022, Contractor Performance Information [FAC 2005-34; FAR Case 2006-022; Item I; Docket 2008-0002; Sequence 2] (RIN: 9000-

AK99) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2959. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-028, Role of Interagency Committee on Debarment and Suspension [FAC 2005-34; FAR Case 2008-028; Item III; Docket 2009-0021; Sequence 1] (RIN 9000-AL33) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2960. A letter from the Acting Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-32; Small Entity Compliance Guide [Docket: FAR 2009-0002, Sequence 5] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2961. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2008 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2962. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2008 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2963. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the New Haven-Hartford and New London, Connecticut, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL83) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2964. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION (RIN: 3206-AL13) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2965. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2008 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

2966. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2009-0430] (RIN: 1625-AA08) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2967. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Target Fireworks, Detroit River, Detroit, MI [Docket No.: USCG-2009-0483] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2968. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Pamunkey River, West Point, VA [Docket No.: USCG-2008-1175] (RIN: 1625-AA09) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2969. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: F/V PATRIOT, Massachusetts Bay, MA [Docket No. USCG-2009-0512] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2970. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD [Docket No.: USCG-2008-1119] (RIN: 1625-AA11) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2971. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Symphony Orchestra; San Diego, California [Docket No.: USCG-2009-0345] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2972. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Post 9/11 GI Bill [DOD-2009-OS-0021] (RIN: 0790- AI43) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2973. A letter from the Federal Register Liaison Officer, Department of Veternans Affairs, transmitting the Department's final rule — Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA): Preauthorization of Durable Medical Equipment (RIN: 2900-AM9) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2974. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF PORT LIMITS OF DAYTON, OHIO, AND TERMINATION OF THE USER-FREE STATUS OF AIRBORNE AIRPARK IN WILMINGTON, OHIO [USCBP-2005-0091] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2975. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting the Commission's 2008 Annual Report on operations under the War Claims Act of 1948, as amended, pursuant to 50 U.S.C. app. 2008 and 22 U.S.C. 1622a; jointly to the Committees on Foreign Affairs and the Judiciary.

2976. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connection Slough, Bacon Island, CA [Docket No.: USCG-2008-1141; formerly CGD11-03-005] (RIN: 1625-AA09)receivedJuly 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Veterans' Affairs.

2977. A letter from the Secretary, Department of Energy, transmitting proposed legislation to repeal subtitle J, Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources, of Title IX of the Energy Policy Act of 2005; jointly to the Committees on Science and Technology and Natural Resources.

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. FRANK of Massachusetts: Committee on Financial Services. H.R. 3269. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions; with an amendment (Rept. 111–236). Referred to the Committee of the Whole House on the State of the Union.

Mr. McGOVERN: Committee on Rules. House Resolution 697. Resolution providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions (Rept. 111–237). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2010 (Rept. 111–238). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS. Committee on Oversight and Government Reform. H.R. 2392. A bill to improve the effectiveness of the Governor's collection, analysis, and dissemination of business information by using modern interactive data technologies; with an amendment (Rept. 111–239). Referred to the Committee of the Whole House on the State of the Union.

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. LARSON of Connecticut (for himself and Mr. TIBERI):

H.R. 3399. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. PRICE of Georgia (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. SCALISE, Mrs. BACHMANN, Mr. SOUDER, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. JORDAN of Ohio, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. CASSIDY, Mr. LAMBORN, Mr. FLEMING, Mrs. LUMMIS, Mr. WAMP, Mr. MARCHANT, Mr. ROONEY, Mr. COFFMAN of Colorado, and Ms. FALLIN):

H.R. 3400. A bill to provide for incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, the Judiciary, Rules, the Budget, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. POE of Texas):

H.R. 3401. A bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections; to the Committee on the Judiciary, and in addition to the Committee on Financial 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. POE of Texas (for himself and Mr. COSTA):

H.R. 3402. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; to the Committee on the Judiciary.

By Ms. WOOLSEY (for herself, Mr. ALTMIRE, and Mr. GEORGE MILLER of California):

H.R. 3403. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. STARK, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. HIRONO, Mr. NADLER of New York, Ms. BORDALLO, Mr. FARR, Mr. LATOURETTE, Mrs. MILLER of Michigan, Mr. PETERS, Mr. DINGELL, and Mrs. CAPPS):

H.R. 3404. A bill to amend the Assistance for Unemployed Workers and Struggling Families Act and the Supplemental Appropriations Act, 2008 to provide for the temporary extension of certain unemployment benefits and the temporary availability of further additional emergency unemployment compensation, and for other purposes; 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. REHBERG (for himself and Mr. CASTLE):

H.R. 3405. A bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3406. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts reimbursed by an individual's employer for certain dietary supplements and meal replacement products; to the Committee on Ways and Means.

By Mr. BUYER (for himself, Mr. MICHAUD, and Mr. BROWN of South Carolina):

H.R. 3407. A bill to amend title 38, United States Code, to make certain improvements to laws administered by the Secretary of Veterans Affairs relating to benefits for severely injured veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCDERMOTT (for himself, Mr. NEAL of Massachusetts, and Mr. TIERNEY):

H.R. 3408. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Ms. BERKLEY, Mr. SHIMKUS, Mr. COHEN, Mr. SHERMAN, Ms. HERSETH SANDLIN, Mr. OBERSTAR, Mr. CARDOZA, Mr. KIND, Mr. DAVIS of Illinois, Mr. DAVIS of Alabama, Mr. HELLER, and Mr. CROWLEY):

H.R. 3409. A bill to amend the Internal Revenue Code of 1986 to allow an additional credit against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Mr. OBERSTAR, Mrs. BIGGERT, Mr. ROSKAM, Ms. BERKLEY, Mr. BILBRAY, Mr. BRALEY of Iowa, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Mr. FOSTER, Ms. HARMAN, Mr. KIND, Mr. MANZULLO, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. HOLDEN, Mr. VISCLOSKY, and Mrs. HALVORSON):

H.R. 3410. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 3411. A bill to exempt certain coastal barrier areas in Florida from limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; to the Committee on Natural Resources, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself and Ms. ROS-LEHTINEN):

H.R. 3412. A bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. CAPITO (for herself and Mr. SPACE):

H.R. 3413. A bill to authorize the National Telecommunications and Information Administration of the Department of Commerce to make grants for the establishment of information technology centers in rural areas; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana (for himself, Mr. VISCLOSKY, Mr. DONNELLY of Indiana, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. PENCE, Mr. ELLSWORTH, and Mr. HILL):

H.R. 3414. A bill to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the ''Otis Bowen Comfort Home''; to the Committee on Veterans' Affairs.

By Mr. COSTELLO:

H.R. 3415. A bill to suspend flood insurance rate map updates in geographic areas in which certain levees are being repaired; to the Committee on Financial Services.

By Mr. DAVIS of Alabama:

H.R. 3416. A bill to extend to individuals evacuated from their residences as a result of a major disaster the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, to direct the Election Assistance Commission to make grants to States to respond to election administration needs which result from a major disaster, and for other purposes; to the Committee on House Administration, 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 Ms. DEGETTE (for herself, Mr. COFFMAN of Colorado, Mr. POLIS, Ms. MARKEY of Colorado, Mr. SALAZAR, and Mr. PERLMUTTER):

H.R. 3417. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature &; Science in Denver, Colorado; to the Committee on Natural Resources.

By Mr. ELLSWORTH:

H.R. 3418. A bill to amend part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs; 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 Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. WEXLER, Mr. COHEN, Mr. KUCINICH, Ms. ROS-LEHTINEN, Ms. NORTON, Mrs. NAPOLITANO, Ms. FUDGE, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, Ms. MOORE of Wisconsin, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, and Ms. WASSERMAN SCHULTZ):

H.R. 3419. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. JONES, Mr. PIERLUISI, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. BISHOP of New York, Mr. TONKO, and Mr. GRIJALVA):

H.R. 3420. A bill to improve and enhance substance use disorder programs for members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Ms. KILROY (for herself, Mr. GUTIERREZ, Mr. MINNICK, Mr. PERRIELLO, Ms. SCHAKOWSKY, Mr. BACA, Ms. SPEIER, Mr. HINCHEY, Mr. ELLISON, Ms. MOORE of Wisconsin, Ms. FUDGE, Ms. KAPTUR, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Financial Services.

By Mr. KING of Iowa (for himself and Mr. LATHAM):

H.R. 3422. A bill to amend title XVIII of the Social Security Act to make temporary improvements to the Medicare inpatient payment adjustment for low-volume hospitals, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON (for himself and Mr. INGLIS):

H.R. 3423. A bill to impose certain sanctions on North Korea as a result of the detonation by that country of a nuclear explosive device on May 25, 2009, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial 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. NEAL of Massachusetts:

H.R. 3424. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for excess non-taxed reinsurance premiums with respect to United States risks paid to affiliates; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3425. A bill to authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the enactment of the Fair Housing Act in 1968; to the Committee on Natural Resources.

By Ms. PELOSI (for herself, Ms. SLAUGHTER, Mr. MARKEY of Massachusetts, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. DELAURO, Ms. MCCOLLUM, Mr. SERRANO, Mr. GRIJALVA, and Mr. HARE):

H.R. 3426. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network; to the Committee on Energy and Commerce.

By Mr. QUIGLEY:

H.R. 3427. A bill to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REICHERT:

H.R. 3428. A bill to amend the Emergency Economic Stabilization Act of 2008 to require a corresponding reduction in the authorization to purchase each time a repayment is made for assistance received under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. RYAN of Wisconsin (for himself, Mr. DAVIS of Alabama, and Mr. CROWLEY):

H.R. 3429. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. LEWIS of Georgia, and Mr. RUSH):

H.R. 3430. A bill to establish a Medicare DSH pilot program under which participants shall establish collaborative care networks to reduce the use of emergency departments, inpatient and other expensive resources of hospitals and other providers and provide more comprehensive and coordinated care to low-income individuals, including those without health insurance coverage, and to establish a Collaborative Care Network Center; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself and Mr. BOREN):

H.R. 3431. A bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles; to the Committee on Energy and Commerce.

By Mr. SPACE (for himself and Mr. PAUL):

H.R. 3432. A bill to amend the Internal Revenue Code of 1986 to allow long-distance rural commuters a deduction during periods when the local price of gasoline exceeds $3 per gallon; to the Committee on Ways and Means.

By Mr. WITTMAN:

H.R. 3433. A bill to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. DONNELLY of Indiana:

H.R. 3434. A bill to amend the Internal Revenue Code of 1986 to modify the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H. Con. Res. 172. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. ALEXANDER:

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that the Federal Government should not levy any additional taxes on firearms or firearm ammunition during the current economic hardship; to the Committee on Ways and Means.

By Mrs. LUMMIS:

H. Res. 696. A resolution acknowledging and congratulating Western Wyoming Community College in Southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of the State of Wyoming; to the Committee on Education and Labor.

By Mr. JONES:

H. Res. 698. A resolution expressing the sense of the House of Representatives that the fatal crash of an MV-22 aircraft on April 8, 2000, in Marana, Arizona, was not a result of aircrew human factors or pilot error; to the Committee on Armed Services.

By Mr. GRAVES (for himself, Mr. LUETKEMEYER, Mrs. EMERSON, Mr. MOORE of Kansas, Ms. JENKINS, and Mr. CLEAVER):

H. Res. 699. A resolution expressing the appreciation of Congress for the service and sacrifice of the members of the 139th Airlift Wing, Air National Guard; to the Committee on Armed Services.

By Mr. LOEBSACK (for himself and Mr. EHLERS):

H. Res. 700. A resolution expressing support for designation of the week beginning on November 9, 2009, as National School Psychology Week; to the Committee on Education and Labor.

By Mr. MORAN of Virginia:

H. Res. 701. A resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem; to the Committee on Natural Resources.

By Mr. REICHERT:

H. Res. 702. A resolution directing the Comptroller General of the United States to submit reports ensuring the effectiveness of Federal programs and amending the Rules of the House of Representatives to require that certain standing committees of the House hold at least one hearing on each such report that falls within their jurisdiction; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

151. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to SENATE RESOLUTION NO. 26 urging the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years; to the Committee on Education and Labor.

152. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 43 expressing opposition to the federal rule change to eliminate a health care professional's right to refrain from performing morally-objectionable procedures; to the Committee on Energy and Commerce.

153. Also, a memorial of the Legislature of the State of Minnesota, relative to CHAPTER No. 171 memorializing the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; and urging the Congress of the United States to repeal United States Statutes at Large, volume 12, page 819, chapter 119, and pages 803–804, chapter 103; to the Committee on Natural Resources.

154. Also, a memorial of the Senate of the State of West Virginia, relative to SENATE RESOLUTION NO. 34 requesting the United States Congress to enact the Education Begins at Home Act; jointly to the Committees on Education and Labor and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. HIMES, Mr. WAXMAN, Mr. HONDA, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 108: Mr. SMITH of New Jersey.

H.R. 213: Mr. BACHUS and Mr. BAIRD.

H.R. 275: Mr. SOUDER.

H.R. 303: Mr. PAUL.

H.R. 333: Mr. PAUL.

H.R. 422: Mr. SCOTT of Georgia.

H.R. 430: Mr. LATTA.

H.R. 433: Mr. LATTA.

H.R. 444: Mr. BURTON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DAHLKEMPER, and Mr. BOREN.

H.R. 503: Mr. DREIER.

H.R. 557: Mr. YOUNG of Florida.

H.R. 571: Mr. SCHOCK and Mr. ENGEL.

H.R. 614: Mr. FORBES.

H.R. 621: Mr. FOSTER, Mr. TONKO, Mr. SCHOCK, and Ms. KILROY.

H.R. 648: Mr. SESTAK.

H.R. 658: Mr. FRANK of Massachusetts.

H.R. 668: Mr. MORAN of Kansas.

H.R. 678: Mr. PLATTS.

H.R. 690: Mr. CROWLEY, Mr. MATHESON, Mr. SIRES, and Mr. LINDER.

H.R. 699: Mr. CHANDLER.

H.R. 734: Ms. KAPTUR, Mr. KISSELL, Mr. AL GREEN of Texas, and Mr. JOHNSON of Georgia.

H.R. 743: Mr. PAUL and Mr. DUNCAN.

H.R. 874: Mr. SESTAK.

H.R. 886: Mr. GUTIERREZ.

H.R. 953: Mr. MANZULLO.

H.R. 977: Mr. RAHALL, Mr. WEXLER, Mr. PASCRELL, Mr. HALL of New York, and Mr. BRIGHT.

H.R. 1017: Mr. HEINRICH.

H.R. 1074: Mr. MARSHALL, Mr. ALTMIRE, and Mr. ROHRABACHER.

H.R. 1079: Mr. SHERMAN.

H.R. 1094: Mr. MICHAUD, Mr. MCNERNEY, Mr. KANJORSKI, Mr. PAUL, and Mr. BOUSTANY.

H.R. 1101: Mr. LARSEN of Washington.

H.R. 1177: Mr. MARSHALL, Mr. LUETKEMEYER, and Mr. MCCOTTER.

H.R. 1206: Mrs. BACHMANN.

H.R. 1207: Mr. JACKSON of Illinois and Mr. PAYNE.

H.R. 1208: Mr. ISSA and Mr. AKIN.
H.R. 1221: Mr. GRAVES.
H.R. 1235: Mr. CAO, Mr. CHAFFETZ, Mr. MCGOVERN, Mr. JOHNSON of Georgia, and Mr. CONYERS.
H.R. 1278: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. NADLER of New York, Mr. FILNER, Ms. MCCOLLUM, Mr. SKELTON, Mr. CONYERS, and Mr. JOHNSON of Georgia.
H.R. 1283: Mr. THOMPSON of Mississippi and Mr. AL GREEN of Texas.
H.R. 1313: Mr. CANTOR.
H.R. 1327: Mr. SESSIONS.
H.R. 1362: Ms. DELAURO and Mr. BAIRD.
H.R. 1431: Mr. KLINE of Minnesota.
H.R. 1454: Mr. DUNCAN and Mr. WELCH.
H.R. 1547: Mr. GONZALEZ.
H.R. 1552: Mr. QUIGLEY.
H.R. 1557: Mr. QUIGLEY.
H.R. 1578: Mr. GRIJALVA, Mr. FATTAH, Mr. SABLAN, Mr. GRAYSON, Mr. SCOTT of Virginia, and Mr. HINOJOSA.
H.R. 1596: Mr. LYNCH, Mr. SIRES, and Mr. GUTIERREZ.
H.R. 1605: Mr. MORAN of Virginia.
H.R. 1616: Mr. HIMES.
H.R. 1625: Mr. SCHAUER and Mr. CONYERS.
H.R. 1645: Mr. HIMES.
H.R. 1660: Mr. HIGGINS.
H.R. 1682: Mr. AKIN.
H.R. 1716: Mr. ROTHMAN of New Jersey.
H.R. 1718: Mr. TAYLOR.
H.R. 1826: Mr. MICHAUD and Mr. SERRANO.
H.R. 1828: Mr. GRIJALVA.
H.R. 1831: Mr. TEAGUE, Mr. LEWIS of Georgia, and Mr. MCGOVERN.
H. R. 1908: Mr. LATOURETTE.
H.R. 1977: Mr. SIRES.
H.R. 2017: Mr. SMITH of Nebraska.
H.R. 2030: Mr. FILNER.
H.R. 2083: Mr. LATHAM.
H.R. 2122: Mr. ISSA.
H.R. 2139: Mr. PETERS, Mr. INGLIS, and Mr. DENT.
H.R. 2143: Mr. QUIGLEY.
H.R. 2149: Mr. HALL of New York and Mr. ISRAEL.
H.R. 2170: Mrs. MCMORRIS RODGERS.
H.R. 2194: Mr. LEE of New York, Ms. SLAUGHTER, Mr. MICA, Mr. TURNER, Mr. RYAN of Ohio, Mr. SKELTON, Mr. HALL of New York, Mr. LARSEN of Washington, Mr. PASCRELL, Ms. DELAURO, Ms. DEGETTE, Mr. ROHRABACHER, and Mr. CUMMINGS.
H.R. 2198: Mr. FLEMING.
H.R. 2222: Ms. KOSMAS and Mr. ISRAEL.
H.R. 2254: Mr. WELCH, Mr. LARSEN of Washington, Mr. HASTINGS of Florida, Mr. HOLT, Mr. SMITH of New Jersey, Mr. PAUL, and Mr. HONDA.
H.R. 2262: Mr. CARSON of Indiana, Ms. WOOLSEY, Ms. SPEIER, Mr. LEWIS of Georgia, and Mr. SHERMAN.
H.R. 2268: Mr. THOMPSON of California.
H.R. 2296: Mr. PITTS, Mr. MANZULLO, Mr. ALEXANDER, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. ROHRABACHER, Mr. SHIMKUS, Mr. BISHOP of Utah, Mr. HARPER, and Mr. ROE of Tennessee.
H.R. 2305: Mr. MARSHALL, Mr. HERGER, and Mr. GORDON of Tennessee.
H. R. 2329: Mr. SCHOCK.
H.R. 2373: Mr. MCCAUL.
H.R. 2425: Mrs. MCMORRIS RODGERS.
H.R. 2478: Mr. HIMES.
H.R. 2480: Ms. MATSUI and Mr. LANCE.
H.R. 2493: Mr. MARCHANT, Mr. POSEY, and Ms. FALLIN.
H.R. 2497: Ms. LEE of California.
H.R. 2516: Mr. FRELINGHUYSEN.
H.R. 2517: Mr. LEWIS of Georgia.
H.R. 2520: Mr. LATOURETTE.
H.R. 2523: Mr. KENNEDY.
H.R. 2542: Mr. LARSEN of Washington.
H.R. 2567: Mr. DOGGETT.
H.R. 2625: Ms. SPEIER, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. NADLER of New York, and Mr. HOLT.
H. R. 2626: Mr. BARTLETT.
H.R. 2681: Ms. CLARKE.
H.R. 2698: Mr. LOBIONDO and Mr. SMITH of Washington.
H. R. 2699: Mr. LOBIONDO and Mr. SMITH of Washington.
H. R. 2730: Mr. HOLT.
H.R. 2766: Mr. GRIJALVA.
H.R. 2808: Mrs. MCMORRIS RODGERS.
H.R. 2866: Ms. LEE of California and Mr. BERMAN.
H.R. 2897: Mr. QUIGLEY, Ms. WASSERMAN SCHULTZ, Ms. SPEIER, Mr. CARNEY, and Ms. SCHAKOWSKY.
H.R. 2909: Mr. FRANK of Massachusetts.
H.R. 2935: Ms. DELAURO, Mr. NADLER of New York, Ms. RICHARDSON, and Ms. TSONGAS.
H.R. 2936: Mr. SPACE.
H.R. 2941: Mr. LARSEN of Washington, Mr. MEEK of Florida, Mrs. MCMORRIS RODGERS, Ms. DEGETTE, Mr. PAYNE, and Mr. UPTON.
H. R. 2969: Mr. GRIJALVA.
H.R. 3003: Mr. MCDERMOTT.
H.R. 3006: Ms. WATERS.
H.R. 3035: Mr. PAUL and Ms. BERKLEY.
H.R. 3039: Mr. DREIER.
H.R. 3042: Mrs. CHRISTENSEN and Mr. COURTNEY.
H.R. 3043: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.
H.R. 3044: Mr. MILLER of Florida, Ms. ZOE LOFGREN of California, Mr. KLEIN of Florida, Mr. OLSON, Mr. DENT, Mr. GRAVES, and Mr. MCCAUL.
H.R. 3070: Ms. CHU, Mr. FALEOMAVAEGA, Ms. HIRONO, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. HONDA, Ms. CLARKE, Mr. GRAYSON, and Mr. CONNOLLY of Virginia.
H.R. 3085: Mr. GRIJALVA.
H.R. 3107: Mr. BILIRAKIS, Mr. PENCE, Mr. ROYCE, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, and Mr. LAMBORN.
H.R. 3110: Ms. JACKSON-LEE of Texas.
H.R. 3116: Mr. LANGEVIN.
H.R. 3157: Mr. WALZ, Mr. KLINE of Minnesota, Mr. PAULsen, Ms. MCCOLLUM, Mr. ELLISON, Mrs. BACHMANN, and Mr. OBERSTAR.
H.R. 3164: Mr. KENNEDY and Mr. WU.
H.R. 3167: Mr. ALEXANDER.
H.R. 3186: Mr. WITTMAN.
H.R. 3197: Ms. NORTON.
H.R. 3218: Ms. FOXX.
H.R. 3231: Mr. MANZULLO, Mr. BLUNT, and Mr. ALEXANDER.
H.R. 3233: Mr. MASSA.
H.R. 3235: Mr. LATTA.
H.R. 3245: Mr. FRANK of Massachusetts and Mr. MAFFEI.
H.R. 3246: Mr. MASSA.
H.R. 3257: Mr. MCGOVERN and Mr. SCHIFF.
H.R. 3259: Mr. FILNER.
H.R. 3260: Mr. HIGGINS.
H.R. 3265: Mr. GRIJALVA.
H.R. 3266: Mr. JONES and Ms. KAPTUR.
H.R. 3273: Mr. INGLIS.
H.R. 3274: Mr. YOUNG of Alaska and Mr. BROWN of South Carolina.
H.R. 3286: Ms. FUDGE.
H.R. 3289: Mr. GORDON of Tennessee.
H.R. 3300: Mr. PERLMUTTER.
H.R. 3308: Mr. LATHAM.
H.R. 3310: Mr. KLINE of Minnesota and Mr. WITTMAN.
H.R. 3339: Mr. LUJÁN.
H.R. 3341: Mr. MCCLINTOCK, Mr. PLATTS, Mr. PITTS, and Mrs. BACHMANN.
H.R. 3356: Mr. POSEY, Mrs. BACHMANN, Mr. AKIN, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. SHADEGG, Ms. FALLIN, Mr. BARTLETT, Mr. LINDER, and Mr. SESSIONS.
H.R. 3360: Mr. CAPUANO.
H.R. 3376: Mr. COBLE, Mr. MICA, and Mr. YOUNG of Alaska.
H.R. 3382: Mr. BARRETT of South Carolina, Mr. CHILDERS, Mr. COBLE, and Mr. STUPAK.
H.R. 3394: Mr. ROHRABACHER.
H. Con. Res. 42: Mr. WATT, Mr. FILNER, and Mr. JOHNSON of Georgia.
H. Con. Res. 43: Mr. FILNER and Mr. JOHNSON of Georgia.
H. Con. Res. 44: Mr. JOHNSON of Georgia.
H. Con. Res. 67: Mr. GRIJALVA.
H. Con. Res. 73: Mr. GRIJALVA, Mr. JOHNSON of Georgia, and Mr. LEWIS of Georgia.
H. Con. Res. 129: Mr. WITTMAN and Mr. TAYLOR.
H. Con. Res. 144: Mr. REICHERT.
H. Con. Res. 157: Mrs. BACHMANN and Mr. POE of Texas.
H. Con. Res. 160: Mr. MURTHA, Mr. SHULER, Mr. SESTAK, and Mr. WELCH.
H. Con. Res. 163: Ms. MARKEY of Colorado, Mr. AL GREEN of Texas, Mr. SHULER, Mr. HOLT, and Ms. MCCOLLUM.
H. Con. Res. 169: Mr. MILLER of Florida, Mr. JORDAN of Ohio, Mr. SENSENBRENNER, Ms. FOXX, and Mr. ROGERS of Kentucky.
H. Res. 32: Mr. AL GREEN of Texas.
H. Res. 57: Mr. MANZULLO.
H. Res. 150: Mr. WATT, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia.
H. Res. 175: Mr. MINNICK.
H. Res. 467: Mr. SPACE.
H. Res. 487: Mr. BOUSTANY, Mr. RADANOVICH, Mr. SMITH of Texas, and Mr. SESSIONS.
H. Res. 494: Ms. SHEA-PORTER.
H. Res. 513: Mr. POE of Texas.
H. Res. 550: Mr. STARK.
H. Res. 554: Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. ROE of Tennessee, Mr. LOEBSACK, Mr. WITTMAN, and Mr. WHITFIELD.
H. Res. 577: Mr. PENCE, Mr. CARSON of Indiana, Mrs. SCHMIDT, Mr. TERRY, Mr. DEAL of Georgia, Mr. BUYER, and Mr. BARTON of Texas.
H. Res. 581: Mr. THORNBERRY, Mr. ALEXANDER, and Mr. COLE.
H. Res. 604: Mr. BURGESS, Mr. POE of Texas, Mr. BILIRAKIS, Mr. PENCE, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. LAMBORN.
H. Res. 619: Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, and Mr. ROONEY.
H. Res. 627: Mr. SHUSTER, Ms. SHEA-PORTER, Mr. CONAWAY, Mr. ROGERS of Alabama, Mr. ELLSWORTH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. THORNBERRY, Mr. LANGEVIN, Mr. MILLER of Florida, Mr. JOHNSON of Georgia, Mr. ROHRABACHER, Mr. WILSON of South Carolina, Mr. SPRATT, Mr. SNYDER, Mr. LOBIONDO, Mr. COURTNEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. MASSA, Mr. Bright, Mrs. DAVIS of California, Mr. WITTMAN, Mr. REHBERG, Mr. ORTIZ, Mr. WU, Mr. FILNER, Mr. BERMAN, Mr. RODRIGUEZ, Mr. MINNICK, Ms. BEAN, Mr. ARCURI, Ms. SCHWARTZ, Ms. KOSMAS, Mr. KLEIN of Florida, Mr. KIND, Mr. KLINE of Minnesota, Mr. COOPER, Ms. GIFFORDS, Mr. HONDA, and Mr. POE of Texas.
H. Res. 638: Mr. GENE GREEN of Texas, Mr. MEEKS of New York, Mr. ROSKAM, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. POE of Texas, Mr. WAMP, Mr. HENSARLING, Mr. ROHRABACHER, Mr. CARNAHAN, Mr. BLUNT, Mr. TANNER, and Mr. AL GREEN of Texas.
H. Res. 659: Ms. LEE of California, Mr. RANGEL, Mr. WATT, Mr. BARROW, Ms. MOORE of Wisconsin, Mr. FATTAH, Mr. CUMMINGS, Mr. COHEN, and Mr. DAVIS of Alabama.
H. Res. 663: Mr. MILLER of Florida.
H. Res. 666: Mr. POE of Texas.
H. Res. 676: Ms. GIFFORDS.
H. Res. 677: Mr. CONNOLLY of Virginia, Mr. FILNER, Mr. SNYDER, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. HONDA, and Mr. ACKERMAN.
H. Res. 679: Mr. AL GREEN of Texas.
H. Res. 686: Mr. JORDAN of Ohio, Mr. COHEN, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. KILDEE, Mr. CONYERS, Ms. MATSUI, Ms. SLAUGHTER, Mr. GUTIERREZ, Mr. NEAL of Massachusetts, Mr. DRIEHAUS,

Mr. GARRETT of New Jersey, Mr. NYE, Mr. HILL, Mr. CHILDERS, Mr. BERRY, Mr. MINNICK, Mr. RUPPERSBERGER, Mr. BOYD, Ms. LORETTA SANCHEZ of California, Ms. CHU, Mr. MCDERMOTT, Mrs. HALVORSON, Mr. LEVIN, Mr. BARROW, Mr. TANNER, Mr. CARDOZA, Mr. PETERSON, Mr. PERRIELLO, Ms. KILROY, Mr. WEXLER, Mr. MOLLOHAN, Mr. HALL of New York, Mr. SALAZAR, Mr. SCHRADER, Mr. CROWLEY, Mr. KLEIN of Florida, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. STARK, Mr. FATTAH, Ms. SUTTON, Mr. PALLONE, Ms. DEGETTE, Mr. MURTHA, Mr. LEWIS of California, Mr. BRIGHT, Mr. SPRATT, Mr. DELAHUNT, Mr. MCMAHON, Mr. CONNOLLY of Virginia, Mr. SCHAUER, Mr. DAVIS of Illinois, Mr. TEAGUE, Ms. CASTOR of Florida, Mr. BUTTERFIELD, Ms. KOSMAS, Ms. ESHOO, Mr. BECERRA, Mr. KIND, Mr. RUSH, Mr. LANCE, Mr. ELLISON, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. CARNEY, Mr. SHERMAN, Mr. COSTELLO, Mr. BERMAN, Mr. TONKO, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. DINGELL, Mr. MILLER of North Carolina, Mr. KUCINICH, Ms. JENKINS, Mr. BOCCIERI, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. MURPHY of New York, Mr. LYNCH, Mr. LANGEVIN, Ms. MOORE of Wisconsin, Mr. QUIGLEY, Mr. RANGEL, Mr. BOREN, Mr. MOORE of Kansas, Mr. SHULER, Mr. ANDREWS, Mr. MORAN of Virginia, Ms. DELAURO, Mr. KENNEDY, Mr. ACKERMAN, Mr. HINCHEY, Ms. SPEIER, Mr. PERLMUTTER, Mr. WAXMAN, Mr. LARSON of Connecticut, Mr. DICKS, Mr. BISHOP of New York, Ms. SCHWARTZ, Mr. OLVER, Mr. FOSTER, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. COLE, Mr. BILBRAY, Mr. TIAHRT, Mr. BUYER, Mr. POE of Texas, Mr. JONES, Mr. BARTLETT, Mr. CUMMINGS, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. CAMPBELL, Mr. LATTA, Mr. KRATOVIL, Mr. FRELINGHUYSEN, Mr. HINOJOSA, Mr. PIERLUISI, and Mr. BACHUS.

H. Res. 689: Mr. ROONEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts, or a designee, to H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 848: Mr. ADLER of New Jersey.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

63. The SPEAKER presented a petition of Mayor and City Commission of the City of Wilton Manors, Florida, relative to RESOLUTION NO. 3415 URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO ADOPT THE MILITARY READINESS ENHANCEMENT ACT OF 2009 (H.R. 1283), WHICH ELIMINATES THE ''DON'T ASK, DON'T TELL'' POLICY AND, AMONG OTHER THINGS, ADOPTS A POLICY OF NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION WITHIN THE UNITED STATES ARMED FORCES; which was referred to the Committee on Armed Services.