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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MORAN of Virginia).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 13, 2009.

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at 2 p.m.

PRAYER

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

Lord God of heaven and Earth, may Your people, especially children, dream great dreams and never become cynical. May faith be their foundation and hope the dynamic of their lives.

Give government leaders wisdom to accomplish great tasks on behalf of Your people. May they provide a peaceful and stable environment so that family life may flourish in this Nation. Let their good deeds and works of justice give You glory, both now and forever.

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 the Northern Mariana Islands (Mr. SABLAN) come forward and lead the House in the Pledge of Allegiance.

Mr. SABLAN 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.

WE NEED REFORMS THAT DO NOT HURT SMALL BUSINESSES AND FAMILIES

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

Mr. WILSON of South Carolina. Mr. Speaker, as the Senate Finance Committee votes on their version of the health care takeover, the American people see business as usual in Washington—more spending, more government, and more taxes.

The American people are more and more shocked with these big government schemes. They understand that we need a set of reforms that will not hurt small businesses or families through tax penalties and unintelligible government mandates. We do not need thousands of more pages of regulations controlled by a health czar, the most powerful and all-wise person on Earth.

Republicans continue to offer solutions that promote potential of our proven free market system. We can help families and small businesses secure affordable health care regardless of preexisting conditions and ensure choice. We must protect the doctor-patient relationship for senior citizens and protect jobs.

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

CONGRATULATING MR. MATTHEW SAFERITE ON ARKANSAS SECONDARY PRINCIPAL OF THE YEAR

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

Mr. BOOZMAN. Mr. Speaker, I rise today to congratulate Mr. Matthew Saferite for being named Arkansas Secondary Principal of the Year.

Mr. Saferite, the principal of Ramay Junior High School in Fayetteville, Arkansas, demonstrates extraordinary leadership and commitment to his students and his staff on a daily basis. He works to identify and seek opportunities for all who enter the halls of his school.

His hard work has made him a model of success for students as well as fellow

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educators. True to form, he shares this honor with his staff and students at Ramay, acknowledging the team effort that is always on display at the school.

I commend Mr. Saferite for his passion for educating our youth and his dedication to all in the community. I wish him success in all future endeavors, and I ask my colleagues to join me in honoring an educator whose accomplishments and devotion to the Third District of Arkansas has not gone unnoticed.

CHANGING A LIGHT BULB IS A STIMULUS JOB

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

Mr. POE of Texas. Mr. Speaker, they tell us, sir, that the stimulus bill is working and creating jobs. Well, let's see.

In Houston, some houses are getting taxpayer funded home makeovers. Wayne Dolcefino of KTRK Channel 13 Undercover in Houston reports that the city is getting $327 million in stimulus money to weatherize homes. Under the stimulus boondoggle bonanza, taxpayers are on the hook for $6,500 per house. Of course, not everyone is getting a home makeover. Most Houstonians aren't going to get the brand new ceiling fans installed. They're not going to get the brand new insulation and the weather stripping or the brand new refrigerators. And most won't even get the new curly light bulbs that contain mercury. They'll just get stuck with the bill.

How does greening homes for a selected group of handpicked people create jobs? Well, it doesn't. Paying people to change out the light bulbs is what the taxacrats call a green job. No wonder Americans are just shaking their heads in contempt of government. So the stimulus scam continues.

And that's just the way it is.

APPOINTMENT AS MEMBER TO ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS

The SPEAKER pro tempore. Pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of the House to the Election Assistance Commission Board of Advisors:

Ms. Lillie Coney, Washington, D.C.

DEMOCRAT AMNESTY PLAN HAS NO PRAYER

(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, today, this afternoon, several of my colleagues on the other side of the aisle intend to unveil their outline of a plan to give amnesty to millions of illegal immigrants. I don't expect it to hold many surprises. It is more likely to lay out the same proposal for amnesty that President Obama and the Democrats have promised all along to the illegal immigrant lobby.

They should know that the bill doesn't have a prayer because the American people oppose rewarding lawbreakers, which then encourages more illegal immigration. Allowing millions of illegal immigrants to stay and take jobs away from citizens is like giving a burglar a key to the house.

Illegal immigrants should play by the rules, return home and wait their turn just like millions of legal immigrants do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

EXTENDING AUTHORITY TO BUILD VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial Visitor Center, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3689

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

SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR VIETNAM MEMORIAL VISITOR CENTER.

Section 6(b) of Public Law 96–297 (16 U.S.C. 431 note) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (4) the following:

''(5) any reference in section 8903(e) of title 40, United States Code, to the expiration at the end of or extension beyond a seven-year period shall be considered to be a reference to an expiration on or extension beyond November 17, 2014.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 3689, sponsored by the chairman of the Committee on Natural Resources, the gentleman from West Virginia, Mr. NICK RAHALL, and the committee's ranking member, the gentleman from Washington State, Mr. DOC HASTINGS, will extend the time during which the Vietnam Veterans Memorial Fund is authorized to establish a visitors center for the Vietnam Veterans Memorial here in Washington, D.C.

Better known as the Vietnam Wall, the memorial is among the most visited sights in Washington and is an international symbol of reflection and healing. Establishing a visitors center for the memorial is critical and more time is needed to complete the extensive planning, design, and approval processes required for such a sensitive project. This bipartisan legislation extends the authorization through 2014.

Chairman RAHALL has been intimately involved with the development of this visitors center, and I join him, along with Representative DOC HASTINGS, in urging our colleagues to support this bill.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Thank you, Mr. Speaker, for recognizing Alaska, the greatest State in the Union, the largest State in the Union, with the one congressman that does the whole job of the State of the Union. Thank you. I yield myself such time as I may consume.

This bill was introduced by Chairman RAHALL and Ranking Member HASTINGS to allow additional time for the Vietnam Veterans Memorial Fund to raise private funds for the construction of the underground visitors center on The Mall.

I ask my colleagues to join me in supporting this great piece of legislation.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I have no additional speakers, but I would like to inquire of the minority if he has any additional speakers.

Mr. YOUNG of Alaska. I have no other additional speakers.

I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3689.

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. SABLAN. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

DESIGNATING SEGMENT OF ILLABOT CREEK AS A NATIONAL WILD AND SCENIC RIVER

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1593) to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1593

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

SECTION 1. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(____) ILLABOT CREEK, WASHINGTON.—

''(A) The 14.3 mile segment from the headwaters of Illabot Creek to the northern terminus as generally depicted on the map titled 'Illabot Creek Proposed WSR – Northern Terminus', dated September 15, 2009, to be administered by the Secretary of Agriculture as follows:

''(i) The 4.3 mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

''(ii) The 10 mile segment from the boundary of Glacier Peak Wilderness to the northern terminus as generally depicted on the map titled 'Illabot Creek Proposed WSR – Northern Terminus', dated September 15, 2009, as a recreational river.

''(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 1593 would designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers Systems.

The Forest Service studied Illabot Creek for potential Wild and Scenic River designation in conjunction with the National Forest planning process. The study found that the creek possesses outstandingly remarkable values. For example, the river is home to a bald eagle communal night roost and is important habitat for bear, beaver, and spotted owls, to name a few.

Mr. Speaker, we commend our distinguished colleague Representative Rick Larsen for his hard work and dedication to this legislation. We support passage of H.R. 1593, and urge its adoption by the House today.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1593 will designate segments of the Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System. The area being designated is located within the Baker-Snoqualmie National Forest. The total designated is 14.3 miles in two separate segments.

Although I personally do not believe a wild and scenic designation is necessarily the best way to manage our river resources in every instance, I understand that this bill excludes a section of the river crossed by a needed road and now has local support. I do not object at this time to the passage of this legislation.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I have no additional requests for time. I would inquire of the minority whether they have any additional speakers.

Mr. YOUNG of Alaska. I have no further requests for time.

I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, as amended.

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

A motion to reconsider was laid on the table.

JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM REAUTHORIZATION ACT OF 2009

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3537) to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3537

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 ''Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2007–2008, sales of the $5 Junior Duck Stamp generated more than $100,000 in revenue, all of which was used to provide educational materials for the program, fund scholarships for students, and support and promote the program's goal of connecting children with nature.

(2) Now in its 20th year, the Junior Duck Stamp Conservation and Design Program is one of this country's oldest and most successful government-sponsored, youth-focused conservation biology programs. The program continues to build strong partnerships with public and parochial schools, homeschoolers and after-school programs, and other youth-focused education programs throughout the country.

(3) The Junior Duck Stamp Conservation and Design Program continues to foster strong partnerships among Federal and State government agencies, nongovernment organizations, the business community, and others in the private sector to promote youth conservation initiatives.

(4) With its conservation-focused science and arts curriculum, the Junior Duck Stamp Conservation and Design Program has helped prepare hundreds of thousands of students to become stewards of America's irreplaceable wild places and treasured outdoor heritage.

SEC. 3. REPORTING REQUIREMENT.

Section 2(c)(2) of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719(c)(2)) is amended to read as follows:

''(2) REPORTING REQUIREMENT.—Beginning in 2010 and every 5 years thereafter, the Secretary shall submit to Congress a report on the status of the Program in each State.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719c) is amended to read as follows:

''SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary for administrative expenses of the Program $500,000 for each of fiscal years 2010 through 2015.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Congress passed the Junior Duck Stamp Conservation and Design Program Act in 1994 to connect

children with nature through science and art. This act promotes the education of students from kindergarten through high school about migratory waterfowl and the habitats through the distribution of educational materials and the promotion of a wildlife art competition.

□ 1415

Today, more than 27,000 students participate in the Nationwide Junior Duck Stamp art contest, and the winning design is reproduced as the Federal Junior Duck Stamp. The pending measure will simply reauthorize the Junior Duck Stamp Program.

I commend my good friend, Congressman SOLOMON ORTIZ from Texas, for his leadership in reauthorizing the Junior Duck Stamp Program, and we urge our colleagues to support passage of this measure.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

The Junior Duck Stamp Program was developed 20 years ago and first authorized by Congress in 1994. Today, more than 28,000 students participate in the conservation curriculum and annual nationwide wildlife art contest.

During hearings of this legislation, one of the witnesses was a teacher from an elementary school in Frederick, Maryland. In her statement, she noted: ''As a teacher, I believe that the Junior Duck Stamp Program is an excellent learning opportunity for students at all grade levels. What is difficult for me to put into words is the looks on the curious faces of my students as they research to learn about various waterfowl and their habitat; the looks of determination as they work hard to capture the likeness of the birds; and the smiles when their entries are finally completed.''

This is an excellent program, Mr. Speaker, and a sound investment of U.S. taxpayer dollars. The Junior Duck Stamp Program should be extended for an additional 5 years.

I would also like to compliment the authors of this bill, Congressmen SOLOMON ORTIZ and HENRY E. BROWN, Jr., for their leadership on behalf of wildlife conservation of this Nation.

This is a good piece of legislation, Mr. Speaker, and I urge an ''aye'' vote on H.R. 3537.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 3537, the Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009.

I had the privilege of sponsoring the original legislation to authorize this program in 1994. As the chairman of the Oceanography, Gulf of Mexico, and Outer Continental Shelf Subcommittee of the Merchant Marine and Fisheries Committee, I was asked to help pass authorizing legislation for the Junior Duck Stamp Program.

I was familiar with the successful Duck Stamp Program but had never heard of the Junior Duck Stamp, JDS, Program.

Now, 15 years later, this is the third reauthorization of this program.

I am very happy to say that it is one of this country's oldest and most successful youth-focused conservation programs in the federal government, and over the years, JDS has expanded to all 50 States, the District of Columbia, and the U.S. Territories.

For those of you who don't know about the JDS Program, it is a conservation-focused science and arts curriculum for grade-school and high-school students. It is an art contest centered around studies that teach the fundamentals of waterfowl anatomy and environmental science.

Students submit their artwork depicting waterfowl in natural habitat settings to a state or territory contest. Winners from these contests are submitted for the national contest. Just as in Duck Stamps, the winning artwork at the national JDS contest is used to create a Junior Duck Stamp for the following year.

The stamps are sold by the U.S. Postal Service and consignees for $5 per stamp. Proceeds from the sale of the stamps support conservation education and are used for awards and scholarships for the students, teachers, and schools that participate in the program.

I must commend the JDS administrators and coordinators at the national, state, and local levels; the teachers and schools that support the JDS program; and the students who participate each year in the contest for the success of the Junior Duck Stamp Program.

Your dedication and hard work have made this program a premier wildlife conservation education tool, and I am proud to be associated with it.

Mr. Speaker, I ask my colleagues to join me in supporting this very worthy program.

Mr. YOUNG of Alaska. I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3537.

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.

PERMITTING ACCEPTANCE OF NON-U.S. FUNDS FOR CANADIAN WETLAND CONSERVATION PROJECTS

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3433) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3433

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

SECTION 1. PAYMENT OF NON-FEDERAL SHARE OF PROJECTS IN MEXICO AND CANADA UNDER NORTH AMERICAN WETLANDS CONSERVATION ACT.

(a) IN GENERAL.—Section 8(b)(3) of the North American Wetlands Conservation Act (16 U.S.C. 4407(b)(3)) is amended to read as follows:

''(3) The non-Federal share of the United States contribution to the costs of such projects may not be derived from Federal grant programs. In the case of a project carried out in Canada or Mexico, the non-Federal share of the costs of the project may include cash contributions from non-United States sources that are used to pay costs of the project. In the case of a project carried out in Canada, funds from Canadian sources may comprise up to 50 percent of the non-Federal share of the costs of the project.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to any approved and active wetlands conservation project (as that term is used in section 8(b)(1) of such Act) carried out with assistance provided under such Act, including such a project approved before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I might consume.

In combating the dramatic loss of wetland ecosystems, Congress enacted the North American Wetlands Conservation Act in 1989 providing a funding mechanism to support cooperative, public-private wetlands conservation efforts throughout North America. These projects have protected, restored, or enhanced approximately 23 million acres of wetlands in the United States, Canada, and Mexico.

However, the recent economic recession and the matching requirements under the act have made it difficult to generate non-Federal matching contributions for some critical wetland habitat conservation projects. The pending measure would amend the act to increase flexibility for grant recipients to meet matching fund requirements and ensure that the highest priority projects are funded throughout North America.

I commend Congressman WITTMAN of Virginia for his leadership in wetland conservation. I urge the passage of the legislation.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume

Since 1989, the North American Wetlands Conservation Act has required that each Federal dollar spent on the conservation project be matched by private, non-governmental money. However, due to the irreplaceable nature of the breeding waterfowl habitat in Canada, a decision was made not to require matching funds for Canadian projects from private Canadian sources.

As a result of the economic downturn, however, it has become increasingly difficult to meet the 100 percent matching requirement here in the United States. According to the Fish and Wildlife Service, there will be some $70 million worth of projects in Canada during the current 5-year funding cycle which began in 2007. Under the current law, this means that $70 million in private matching money must be provided.

Under H.R. 3433, the North American Wetlands Conservation Act would be amended to require at least 50 percent of non-Federal share of projects in Canada be paid for by Canadian non-governmental entities. There was unanimous support for this measure during our committee markup, and this is an appropriate change in our Federal law.

I would also like to compliment the author of this bill, Congressman WITTMAN of Virginia, for his outstanding leadership and for his service on the Migratory Bird Conservation Commission.

I urge an ''aye'' vote.

Mr. WITTMAN. Mr. Speaker, I rise in support of H.R. 3433.

I introduced H.R. 3433 to provide for a simple, timely and essential change to the North American Wetlands Conservation Act.

Under current law, Congress appropriates money each year to be spent on projects to acquire, enhance, protect and restore wetlands in Canada, Mexico and the United States.

In fact, this remarkable program, which is now celebrating its 20th anniversary, has funded over 1,600 projects to conserve more than 20 million acres of wetlands and associated uplands across North America. This conservation has helped ensure improved waterfowl hunting across North America.

Since 1989, this landmark law has required that each Federal dollar spent on a conservation project be matched by non-federal money.

However, due to the irreplaceable nature of the breeding waterfowl habitat in Canada, a decision was made not to require matching funds from Canadian sources. Therefore, projects in Canada have been matched by conservation dollars from the United States.

According to the U.S. Fish and Wildlife Service, the North American Wetlands Council has approved conservation projects in Canada worth nearly $70 million during its current 5-year funding cycle which began in 2007. Under law, this means that $70 million in private matching funds must be provided.

Under my legislation, the North American Wetlands Conservation Act would be amended to allow up to 50 percent of the non-federal share of projects in Canada to be paid for by Canadian conservation supporters. My legislation will allow and encourage our Canadian conservation partners to fund a greater number of important wetland preservation projects north of the border.

The authorization of appropriations for the North American Wetlands Conservation Act does not expire until September 30, 2012. We simply cannot wait to make this change because the nonmatching share imbalance will continue to grow and must be paid before the authorization expires.

The language of this legislation has been fully vetted and been endorsed by all interested parties including the Fish and Wildlife Service, the member of the North American Wetlands Conservation Council which includes Ducks Unlimited, as well as the National Audubon Society and the American Bird Conservancy.

I ask my colleagues to support H.R. 3433.

Mr. YOUNG of Alaska. I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I again urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3433.

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.

REAUTHORIZING DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3476) to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3476

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

SECTION 1. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

(a) REAUTHORIZATION.—Section 5 of Public Law 100–573 (16 U.S.C. 460o note) is amended by striking ''20'' and inserting ''30''.

(b) EFFECTIVE DATE.—This section shall be deemed to have taken effect on October 30, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

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

Mr. Speaker, this legislation, sponsored by Representative GARRETT, will authorize the Citizen Advisory Commission for the Delaware Water Gap National Recreation Area for the next 10 years. The advisory commission has provided two decades of guidance and input that has assisted in the management of the national recreation area and should be allowed to continue its work.

I urge my colleagues to support H.R. 3476.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

The Delaware Water Gap National Recreation Area is the National Park Service's largest outdoor recreation area in the Northeastern United States. This recreation area includes 67,000 acres along 40 scenic miles of the Delaware River in the States of New Jersey and Pennsylvania. With 5 million recreational visits each year, it is our 10th most visited national park.

Our colleague, Mr. GARRETT, introduced H.R. 3476 to enhance citizen participation in the administration of the park by extending the recreation area's Citizen Advisory Commission for another 9 years to the year 2018. I am pleased to join Mr. GARRETT in support of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, at this time I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), the author of this fine piece of legislation.

Mr. GARRETT of New Jersey. I thank the gentleman from Alaska for recognizing what a fine piece of legislation it is and appreciate his support of this legislation as well.

Mr. Speaker, I rise today in support of H.R. 3476. It is a bipartisan bill to reauthorize the Delaware Water Gap National Recreation Area Citizens Advisory Commission through the year 2018. And both Representative CARNEY and I believe that this citizen action group serves as an important liaison between the National Park Service, their officials, and the neighbors in the area.

Many of my constituents have asked me to extend this commission, and I am pleased to have worked with Representative CARNEY on this legislation to do just that. Communication is the key to addressing and resolving citizens' concerns, and it's clear that the residents and the park users value the opportunity to respond to the park decisions as well as propose alternatives when they come up with those.

The Delaware Water Gap region has a turbulent history, if you know of it. One was marked by improper government interference and Federal invasion of rights of private property owners.

Back in the mid-1950s, the Federal Government proposed a plan to build a

dam across the Delaware River. This was the Tocks Island Dam Project, and it required the use of eminent domain, and the government seized many properties. Well, the project fell through and the property that was taken away is now known as the Delaware Water Gap Recreational Area. And residents in the area were upset by the creation of this recreation area. As a result, Congress passed legislation that established a citizens advisory commission, and that was back in 1988.

Now, this advisory commission was reauthorized for an additional decade back in 1998; and it's basically served as a forum, if you will, for the public to interact with park officials. Due to the combined efforts of the various commission members and park officials, the recreation area has now increased in popularity over the years, and we see literally millions of visitors each year. In fact, out of nearly 400 parks in the National Park system, the Delaware Water Gap was just named one of the top 10 most photogenic parks for fall foliage.

And I am confident that the Citizens Advisory Commission will continue to play a valuable role in preserving its splendor in this area and others for future generations.

It's the ability of local residents to communicate with Federal agencies that has been one of my main focuses here in Congress; and I call upon my colleagues—and I am glad that the gentleman from Alaska joins me in this effort—to join with Representative CARNEY and me to support this legislation.

Mr. YOUNG of Alaska. I yield back the balance of my time.

Mr. SABLAN. I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3476.

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. SABLAN. 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 and the Chair's prior announcement further proceedings on this motion will be postponed.

1ST LIEUTENANT LOUIS ALLEN POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2877) to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2877

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

SECTION 1. 1ST LIEUTENANT LOUIS ALLEN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, shall be known and designated as the ''1st Lieutenant Louis Allen Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''1st Lieutenant Louis Allen Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am proud to present H.R. 2877 for consideration.

This bill, if adopted, will designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office.''

H.R. 2877 was introduced by my friend and colleague, Representative JOHN HALL of New York, on June 15, 2009, and favorably reported out of the Oversight Committee by unanimous consent on July 10, 2009. Notably, this legislation enjoys the strong support of the entire New York sitting House delegation.

□ 1430

Since this is principally sponsored by my friend, Mr. HALL of New York, I'm going to yield 5 minutes to my colleague so that he may make those remarks.

Mr. HALL of New York. Thank you, Mr. Chairman.

Mr. Speaker, I rise today to pay tribute to a great American, First Lieutenant Lou Allen. My bill, H.R. 2877, would designate the post office in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office.'' First Lieutenant Allen was killed in Iraq over 4 years ago by a mine explosion for which another member of the Armed Forces was charged and shockingly acquitted. First Lieutenant Allen was 34 years old.

A pillar of his community, a model National Guardsman, Lou joined the New York National Guard in the year 2000. But when he was not serving in uniform, he served his community as a science teacher at George F. Baker High School in Tuxedo. He was deployed to New York City with the National Guard to respond to the terrorist attacks of September 11, 2001.

Lou's service to his community and country made him a great American whom we are all proud of. Lou is survived by his loving wife, Barbara; and their four young sons, Trevor, Colin, Sean and Jeremy; his parents, Bob and Vivian; and his siblings and other friends and family who are all so proud of him. Renaming this post office in his honor will be a tangible reminder of the joy he brought to them and the contributions he made to our Nation, the Hudson Valley community, and the lives of those who knew him.

I cannot imagine how difficult the last few years have been in Lou's family, and their grace in dealing with this tragedy is an inspiration to us all. I have had the honor of meeting them at Bob and Vivian's house when I introduced this bill. And I am honored to represent them in Congress and to be able to come here to Washington and help redesignate the U.S. Post Office at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office.''

Renaming this post office is not about mourning Lou's death, but about celebrating his life. I am glad that we have the support of the entire New York State congressional delegation, who are all signed on to the bill as original cosponsors.

I urge my colleagues to honor First Lieutenant Allen and support this bill so that he and his family will finally receive the tribute to his sacrifice that they deserve.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to urge the passage of H.R. 2877, a bill designed to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office'' in honor of the late Louis E. Allen, a 34-year-old Army National Guardsman killed by an explosion in Tikrit, Iraq, on June 8, 2005.

A native of Goshen, New York, and a West Point graduate, First Lieutenant Allen was not only a model soldier but also a model citizen who had a true passion for helping others.

A loving husband and father of four sons, he drove more than 1 hour each way to George Baker High School in Tuxedo, New York, a school where he taught science. The school superintendent remembers him as loving kids and having a ''real passion for our students.'' He was also known by his family as being fun-loving, gracious and caring as he took care of everyone around him. A longtime friend of Allen's once said that ''if my son grows up to be half the man Lou is, I'll be the happiest father in the world.''

First Lieutenant Allen is a shining example of an individual who continually and selflessly served those around him, both through his work for his community and country. His spirit lives on through the work of his family and friends as they continue to promote the sacrifice of First Lieutenant Allen through the First Lieutenant Louis Allen Scholarship and Community Foundation.

It is with gratitude for his bravery and sacrifice for his country that I ask all Members to join me in supporting H.R. 2877 in First Lieutenant Allen's honor.

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

Mr. LYNCH. Mr. Speaker, a resident of Milford, Pennsylvania, First Lieutenant Louis E. Allen bravely served in support of Operation Iraqi Freedom as a member of the Army National Guard's Headquarters and Headquarters Company, 42nd Infantry Division, out of Troy, New York.

Regrettably, as has been noted here by my friend, Mr. HALL, First Lieutenant Allen and fellow unit member Captain Phillip T. Esposito were killed in Tikrit, Iraq, on June 8, 2005, of injuries sustained when a mine explosion occurred near their location. First Lieutenant Allen was 34 years old at the time of his death.

As noted by his fellow Rainbow Division soldiers, who held a ceremony in honor of their two fallen comrades at Forward Operating Base Danger in Tikrit on June 15, 2005, First Lieutenant Allen was highly regarded as a skilled platoon leader who always took care of his troops.

''He was always running around, getting stuff for his guys—food, safety equipment, and billeting—and never forgot where he came from,'' recalled Colonel Mario Costagliola, the division's assistant chief of staff for operations.

In addition to his distinguished service to his unit and his country, First Lieutenant Allen is equally remembered as a dedicated husband to his beloved wife, Barbara, whom he made sure to call every day throughout his deployment, and as a loving father to their four boys, Trevor, Colin, Sean and Jeremy, whose pictures he always carried in his wallet and would display to anyone who would bother to take a look, according to Captain Steven Raiser, a division legal assistance officer who trained with First Lieutenant Allen.

Moreover, as a high school science teacher at George Baker High School in Tuxedo, New York, First Lieutenant Allen evidenced the same commitment, dedication and generosity to his students as he did to his fellow soldiers and his family. ''He loved kids. He had a real passion for our students,'' recalled Valley Central School District Superintendent Joseph P. Zanetti.

And as noted by all of those who were fortunate enough to know him, First Lieutenant Allen had a unique gift for making everyone around him feel more positive and happier. A family statement issued following his death perhaps best characterizes First Lieutenant Allen's effect on his loved ones: ''Everybody loved Lou for his Louness.''

Mr. Speaker, the life and legacy of First Lieutenant Louis E. Allen stands as a testament to the brave servicemen and -women who have also dedicated their lives to serving our Nation in the United States military. It is my hope that we can honor this young soldier through the passage of H.R. 2877 and by designating the Chester Post Office in his honor.

With that, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I have no other speakers, so I yield back my time.

Mr. LYNCH. Mr. Speaker, in closing, I again urge my colleagues on both sides of the aisle to join with Mr. HALL, the principal sponsor of this resolution, in honoring First Lieutenant Louis Allen through the passage of H.R. 2877.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2877.

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.

COMMEMORATING 80TH ANNIVERSARY OF THE DAUGHTERS OF PENELOPE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 209) commemorating the 80th anniversary of the Daughters of Penelope, a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA), as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 209

Whereas generations of Greek-Americans have worked alongside their fellow Americans to build a more perfect Union, and the United States is a stronger country because of them;

Whereas Greek-Americans have served ably in their communities in numerous capacities, such as government, including five-term Maryland Senator Paul S. Sarbanes, and in the Armed Services in every war in which the United States fought since World War I, including patriots such as George Dilboy, a World War I Medal of Honor recipient;

Whereas the Daughters of Penelope is a leading international organization of women of Hellenic descent and Philhellenes, founded November 16, 1929, in San Francisco, California, to improve the status and well-being of women and their families and to provide women the opportunity to make significant contributions to their community and country;

Whereas the mission of the Daughters of Penelope is to promote the ideals of ancient Greece (namely, philanthropy, education, civic responsibility, good citizenship, and family and individual excellence) through community service and volunteerism;

Whereas the chapters of the Daughters of Penelope sponsor affordable and dignified housing to the Nation's senior citizen population by participating in the Department of Housing and Urban Development's section 202 housing program;

Whereas Penelope House, a domestic violence shelter for women and their children sponsored by the Daughters of Penelope, is the first of its kind in the State of Alabama and is recognized as a model shelter for others to emulate throughout the United States;

Whereas the Daughters of Penelope Foundation, Inc., supports the educational objectives of the Daughters of Penelope by providing tens of thousands of dollars annually for scholarships, sponsoring educational seminars, and donating children's books to libraries, schools, shelters, and churches through the ''Open Books'' program;

Whereas the Daughters of Penelope is the first ethnic organization to submit oral history tapes to the Library of Congress, the tapes that provide an oral history of first generation Greek-American women in the United States;

Whereas the Daughters of Penelope promotes awareness and research on medical diseases, such as cancer, thalassemia (Cooley's anemia), lymphangioleiomyomatosis (LAM), Alzheimer's disease, muscular dystrophy, and others;

Whereas the Daughters of Penelope provides financial support for many medical research and charitable organizations, such as the University of Miami Sylvester Comprehensive Cancer Center (formerly the Papanicolaou Cancer Center), the Alzheimer's Foundation, the American Heart Association, the Special Olympics, the Barbara Bush Foundation for Literacy, the Children's Wish Foundation, UNICEF, Habitat for Humanity, St. Basil Academy, and others;

Whereas Greek-American directors and performers, such as Elia Kazan, Olympia Dukakis, and Maria Callas, enriched the arts, and medical researcher, Dr. George Papanicolaou, also known as the ''The Father of Cytology'', saved millions of lives by inventing the Pap Test;

Whereas countless Greek-Americans have risen to become leaders of commerce and industry, thus fulfilling the ''American Dream'';

Whereas the Daughters of Penelope provides support and financial assistance to victims and communities affected by natural disasters, such as hurricanes, earthquakes, and forest fires;

Whereas the Daughters of Penelope, founded November 16, 1929, celebrates its 80th anniversary as a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA); and

Whereas Americans can trace the concept and ideals of democracy to the ancient Greeks: Now, therefore, be it

Resolved, That the House of Representatives recognizes the significant contributions of American citizens of Greek ancestry and Philhellenes, and the Daughters of Penelope to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the

gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 209 for consideration. This resolution recognizes the significant contribution of American citizens of Greek ancestry and the Daughters of Penelope.

At the outset, I would like to take a moment to express my deepest condolences to the sponsor of this resolution, my friend and colleague, Mrs. MALONEY of New York, on the recent loss of her beloved husband, Clifton. Please know that our thoughts and our prayers are with the Congresswoman and her entire family.

Mr. Speaker, the measure before us was introduced on March 4 by Mrs. MALONEY and favorably reported out of the Oversight Committee on July 10, 2009, by unanimous consent. Notably, this measure enjoys the support of over 50 Members of Congress.

Mr. Speaker, let us take a moment to recognize the significant contributions Greek Americans have made to the United States. Greek Americans such as Senator Paul Sarbanes and Congressman JOHN SARBANES of Maryland have served their communities, and Greek Americans have served in our Armed Forces in every war since World War I. Greek Americans have enhanced the art world with works by directors such as Elia Kazan and performers such as Olympia Dukakis.

Further, the resolution makes mention of the Daughters of Penelope. Founded in 1929, the Daughters of Penelope was formed by Alexandra Apostolides Sonenfeld with the help and support of her husband, Dr. Emmanuel Apostolides.

With local chapters in the United States, Canada and Greece, the Daughters of Penelope is a nonpartisan and nondenominational organization that promotes Hellenic heritage and its ideals. Notably, the organization's dedicated members are encouraged to participate in meaningful community service projects, making the Daughters of Penelope a leader in charitable and educational activities.

In its 80 years, the Daughters of Penelope has made great gains in helping women all over the world realize their dreams and leadership potential. Moreover, the Daughters of Penelope has made significant contributions here at home through the organization's commitment to philanthropy and volunteerism, by supporting various charities, sponsoring affordable housing for senior citizens, and by helping spread awareness and providing financial support for medical research. The Daughters of Penelope also sponsors the Penelope Shelter Home for Battered Women, which helps women of all races and faiths during times of need.

Mr. Speaker, let's take a moment to recognize the considerable contributions of Greek Americans to the United States and celebrate the achievements of the Daughters of Penelope through the passage of House Resolution 209.

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

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to support House Resolution 209 recognizing the significant contributions of American citizens of Greek ancestry, philhellenes, and the Daughters of Penelope to the United States.

What began with roughly 300,000 Greek immigrants after World War I has grown to more than 3 million Greek Americans today. Throughout our Nation's history, the Greeks who came to America saw the promise and hope for their future. Once there, they have been instrumental in building a Nation from the ground up.

Greek Americans have risen to become leaders in business, government service, medicine and the arts. The State of Maryland was proud to have Paul S. Sarbanes, a Greek American, serve five terms in the United States Senate. Dr. George Papanicolaou saved millions of lives by inventing the Pap test for women, and performers such as Olympia Dukakis and Elia Kazan are but a few examples of how Greek Americans continue to fulfill the American Dream. And we as a country are all better for their many contributions.

Greek Americans have a long history of contributions through community service to the United States. In the early 1900s, they formed a number of organizations that were dedicated to the well-being of families in the communities where Greek Americans lived.

Among the groups that Greek Americans formed was the Daughters of Penelope, which was founded in 1929 in San Francisco and is an affiliate organization of the American Hellenic Educational Progressive Association. Today, the Daughters of Penelope has grown to more than 350 chapters throughout the world. The mission of the Daughters of Penelope is to create awareness of the ideals of ancient Greece such as education, civic responsibility, philanthropy and patriotism through community service.

Greek Americans, along with all Americans, can be proud of the Daughters of Penelope's commitment to education. They have provided tens of thousands of dollars annually for scholarships, education seminars, and donating children's books to libraries, schools, shelters, and churches through the ''Open Books'' program.

Other Daughters of Penelope achievements include being the first ethnic organization to submit oral history tapes to the Library of Congress, which provide personal experiences of first-generation Greek Americans.

Now in its 80th year, the Daughters of Penelope continues to promote its ideals and promote awareness through a number of causes, including cancer research, Alzheimer's disease, muscular dystrophy and others.

□ 1445

They also provide financial support for medical research to victims and communities affected by natural disasters, such as hurricanes, earthquakes and forest fires.

I ask my fellow Members of Congress to join me in recognizing the 80th anniversary of the Daughters of Penelope and the contribution of Greek Americans to the history of the United States and the way in which their presence enriches and strengthens our country.

I support House Resolution 209 and reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I appreciate the kind words of the gentleman from Kentucky, and we continue to reserve.

Mr. GUTHRIE. Mr. Speaker, I urge my colleagues to join me in supporting this resolution, and I yield back the balance of my time.

Mr. LYNCH. Again, Mr. Speaker, I ask that Members on both sides support Mrs. MALONEY, the lead sponsor of this resolution, H. Res. 209, honoring Greek Americans and their contribution to the United States.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Res. 209, bipartisan legislation I introduced, with Hellenic Caucus co-chair, Congressman GUS BILIRAKIS.

This resolution recognizes the significant contributions of American citizens of Greek ancestry and Philhellenes, and the Daughters of Penelope to the United States.

Founded November 16, 1929, in San Francisco, California, the Daughters of Penelope was established to improve the well-being of women and provide them with the opportunity to make significant contributions to American society.

Today, its mission is to promote the ideals of ancient Greece, education, philanthropy, civic responsibility, family, and individual excellence through community service and volunteerism.

As a cofounder and cochair of the Congressional Caucus on Hellenic Issues, I have had the privilege to see the significant contributions of the Daughters of Penelope in the Greek American community.

The Daughters of Penelope (DOP) is a preeminent international women's organization and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA), the nation's leading association of American citizens of Greek heritage.

Over its history, the Daughters of Penelope has achieved remarkable accomplishments. It has strengthened the status of women in society, sheltered the elderly and the abused, educated our youth, promoted Hellenic heritage, and raised funds for medical research.

With their strong work ethic, Greek-Americans have risen to become leaders in their respective professions, from government to business to the arts. The Daughters of Penelope has been a vehicle through which this advancement has occurred in our society.

I want to thank Chairman TOWNS and Ranking Member ISSA for their support of this bill and for moving it through the Oversight and Government Reform Committee.

I urge my colleagues to support it.

Mr. SPACE. Mr. Speaker, I strongly support the resolution considered by the House today, H. Res. 209. This bill recognizes the numerous and wide-ranging contributions made to American society by the Daughters of Penelope, the women's affiliate of the American Hellenic Educational Progressive Association.

The Order of the Daughters of Penelope was conceived by Alexandra Apostolides Sonnenfeld and founded on November 16, 1929. In the midst of the economic collapse that led to the Great Depression, Mrs. Apostolides recognized the importance of unity, philanthropy, and education. She and 25 charter members formed the first chapter of the Daughters of Penelope, which is today a leader in philanthropic, educational and cultural activities with over 350 chapters in the U.S., Canada, Greece, Cyprus, and Australia.

H. Res. 209 highlights some of the organization's crowning achievements, including the establishment of Penelope House, a shelter for women and children that aims to help victims of domestic violence regain social and economic independence, and the Daughters of Penelope Foundation, which grants scholarships to promising students and facilitates donations of children's books to needy organizations.

Another issue of critical importance is the oral history project organized and donated to the Library of Congress by the Daughters of Penelope. This project chronicles the experiences of first-generation Greek-American women. I know this project will preserve these vital records so that future generations of Greek-Americans—like my children—will maintain an important link with their ancestors.

I am proud of my Greek heritage and of the accomplishments of the Order of the Daughters of Penelope. I think it only fitting that now, as we face our own economic crisis, we recognize the importance of those values that carry us through the most difficult times. I encourage my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 209, 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.

CONGRATULATING ALDINE SCHOOL DISTRICT FOR WINNING THE BROAD PRIZE FOR URBAN EDUCATION

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 791) congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 ''Broad Prize for Urban Education'', as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 791

Whereas the thousands of employees of the Aldine Independent School District in Harris County, Texas, work hard to create a supportive, safe, and effective learning environment, enabling students to achieve academic success;

Whereas the Aldine Independent School District uses a district-wide strategic plan, which is focused on student achievement, student behavior, and community relations;

Whereas the leadership of the Aldine Independent School District is vigilant in ensuring that all staff, departments, schools, and resources continue to focus on the district-wide strategic plan;

Whereas the Aldine Independent School District, through the use of creative teaching technology, has set clear, rigorous expectations for teachers and has provided school management with increased oversight;

Whereas data from the Texas Education Agency indicates that the Aldine Independent School District consistently ranks among the high performing school districts in the State;

Whereas the Aldine Independent School District ranks among the top large school districts in Texas for educating African-American students and Hispanic students, according to a recent study conducted by Texas Agricultural & Mechanical University and the University of Texas-Pan American;

Whereas between 2005 and 2008, the SAT and Advanced Placement participation rates for African-American and Hispanic students in the Aldine Independent School District increased significantly;

Whereas in 2008, African-American students in the Aldine Independent School District achieved higher proficiency rates in math at all school levels and in reading at the middle and high school levels compared with other students in Texas;

Whereas in 2008, a greater percentage of Hispanic students in the Aldine Independent School District performed at the highest achievement level on State reading and math assessments at all school levels compared to other school districts in the State;

Whereas in 2008, a greater percentage of low-income students in the Aldine Independent School District performed at the highest achievement level on State reading and math assessments at all school levels compared to other school districts in the State;

Whereas nationwide, family income level is typically a strong statistical predictor of school performance;

Whereas in the Aldine Independent School District, poverty does not appear to be statistically related to achievement at any school level or in math or reading, despite a high enrollment of students considered to be low-income;

Whereas between 2005 and 2008, the Aldine Independent School District narrowed the income achievement gaps in reading at all school levels and in math at the elementary and middle school levels;

Whereas the ''Broad Prize for Urban Education'', the largest education award for school districts in the United States, was established in 2002 by the Eli and Edythe Broad Foundation;

Whereas the Aldine Independent School District has been a finalist four times for the ''Broad Prize for Urban Education'';

Whereas in 2008, the Aldine Independent School District outperformed other Texas school districts that serve students with similar family incomes in reading and math at all school levels, according to the Broad Prize methodology; and

Whereas the Aldine Independent School District was selected from among 100 of the largest school districts in the country to win the 2009 ''Broad Prize for Urban Education'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Aldine Independent School District in Harris County, Texas, for the outstanding achievement of winning the 2009 ''Broad Prize for Urban Education'', the largest education award for school districts in the United States; and

(2) congratulates the entire Aldine Independent School District community on the hard work and dedication the community has demonstrated toward student achievement, particularly the efforts of the community toward reducing the achievement gaps among ethnic groups and between high- and low-income students.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 791 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 791, which recognizes and congratulates the Aldine Independent School District in Harris County, Texas, for winning the 2009 Broad Prize for Urban Education.

Aldine's commitment to academic achievement, its high expectations for its students, and its dedication to narrowing the racial and income achievement gaps make it a most deserving recipient of this prestigious award.

Established in 2002 by the Eli and Edythe Broad Foundation, the Broad Prize for Urban Education is the largest education award for school districts in the United States.

After finishing as a finalist for the prize 3 years previously, the Aldine Independent School District this year was chosen from among 100 of the largest school districts in the country to receive the $1 million award. The Aldine School District has shown some of the most consistent student achievement gains nationally in the last decade.

Nationwide, family income levels generally are a strong indicator of students' school performance, but the Aldine School District, where four out of

five students receive free or reduced lunch, refuses to accept excuses for student success and chooses instead to break the predictive power of poverty.

Between 2005 and 2008, the Aldine Independent School District narrowed achievement gaps in reading at all school levels and in math at the elementary and middle school levels. In 2008, students in the Aldine schools outperformed other Texas school districts that served students with similar family incomes.

The Aldine Independent School District also ranks among the top large school districts in Texas for educating African American and Hispanic students. Between 2005 and 2008, SAT and Advanced Placement participation rates for these student populations increased significantly. Further, African American students achieved higher proficiency rates in math at all school levels and in reading at the middle and high school levels compared with other students in Texas. And a greater percentage of Hispanic students performed at the highest level on reading and math assessments at all school levels compared to other school districts.

Providing our young people with a high quality education is one of our Nation's most important duties and involves some of the most challenging and rewarding work. Today, we recognize the outstanding work being done at the Aldine Independent School District. Aldine's dedicated leadership and vigilant efforts are helping ensure the academic and life success of its students.

Mr. Speaker, once again, I express my support for congratulating the Aldine Independent School District on winning the 2009 Broad Prize for Urban Education, and I urge my colleagues to support this resolution.

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

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 791, congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 Broad Prize for Urban Education.

Few goals could be more important to American public education today than closing the achievement gaps among students by race, income, language, and gender. The goal is particularly critical for the Nation's urban public schools. The achievement gap is the difference in performance between groups of students, especially groups defined by race/ethnicity and family income.

Although bringing about comprehensive change in our educational system may be difficult, the Aldine Independent School District teachers and staff have worked hard to create a supportive, safe, and effective learning environment which has enabled students to achieve academic success.

The Aldine Independent School District ranks among the highest performing school districts in the State of Texas. In addition, it is one of the top large school districts in the State for African American and Hispanic students. Between 2005 and 2008, the SAT and Advanced Placement participation rates for these groups increased significantly. In 2008, African American students achieved higher proficiency rates in math at all school levels, and in reading at the middle school and high school levels. And Hispanic students performed at the highest achievement level on reading and math assessments compared to other school districts in the State.

It is clear that the Aldine Independent School District is a shining example of what is right about urban education. As a result, the school district was awarded the $2 million Broad Prize for Urban Education this year.

Established in 2002 by the Broad Foundation, the Broad Prize is the largest education award in the country given to school districts. The prize is awarded each year to honor urban school districts that demonstrate the greatest overall performance and improvement in student achievement while reducing achievement gaps among low-income and minority students.

I would like to congratulate Superintendent Wanda Bamberg and all of the principals, teachers, staff and students for all of their hard work which made this award possible.

Mr. Speaker, I ask my colleagues for support, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to recognize the distinguished gentleman from Texas (Mr. GENE GREEN) for 2 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I am proud to rise today in strong support of House Resolution 791, which congratulates the Aldine Independent School District in Houston, Harris Country, Texas, on winning the 2009 Broad Prize for Urban Education.

It is pronounced Aldine, but there is a good joke about when the railroad ran through 50 years ago, that was where they stopped for lunch. So that is how we got our name, ''all dine,'' but it is pronounced Aldine.

Established in 2002 by the Eli and Edythe Broad Foundation, the Broad Prize is actually the largest education award in the country given to any school district. The Broad Prize for Urban Education is awarded to honor urban school districts that demonstrate the greatest overall performance and improvement in student achievement while reducing the achievement gaps among low-income and minority students.

This year, the Aldine Independent School District in Harris County, Texas, was selected from among 100 of the largest school districts in the United States to win this prestigious award. This is not surprising, knowing firsthand the extent to which every staff member and teacher in the Aldine Independent School District is dedicated to increasing student achievement and ensuring that every student has the tools he or she needs to thrive and be a critical thinker, problem solver, and a productive citizen.

My wife taught high school algebra in the Aldine Independent School District for many years where our children attended and graduated, and I am proud to represent the Aldine ISD in Congress.

Quality education has been the goal of Aldine for many years, and their current superintendent, Wanda Bamberg, carries on the tradition of expecting excellence, as Nadine Kujawa and Sonny Donaldson did before her.

With the Broad Prize award, graduating high school seniors in the Aldine Independent School District who have demonstrated a record of academic improvement during their high school careers and have significant financial need will be directly awarded $1 million in Broad Prize scholarships to continue their education.

This is the fourth time Aldine has been selected as a finalist for this prestigious award, and it is no surprise given the district's focus on their five core commitments:

They believe each student can learn at or above grade level and will have equal opportunity to do so.

They believe their school district can achieve higher levels of performance through clearly defined goals that set high exceptions for student achievement.

They believe in the value of parents as the first and best teachers, and that the community must actively participate in the development of all children.

They believe in the value of each employee, in his or her personal and professional growth, and in empowering each one to be accountable to make decisions in line with the vision of the school district.

They believe all environments should be supportive, safe and secure.

By winning this award, they have proven their commitment to these five goals, and I have no doubt that Aldine ISD will continue to be a leader in education for years to come.

This resolution recognizes the Aldine Independent School District for their outstanding achievement in winning the largest education award for school districts in the United States, the 2009 Broad Prize for Education.

Again, congratulations to the entire Aldine Independent School District community for their hard work and dedication toward student achievement, and particularly their efforts in reducing the achievement gaps among low-income and minority students. The school board members, administrative staff, teachers, parents, and children worked hard to earn this recognition, and I strongly urge my colleagues to support the bill.

Mr. GUTHRIE. Mr. Speaker, I yield to the gentleman from Texas (Mr. POE) as much time as he may consume.

Mr. POE of Texas. I want to thank the gentleman for yielding, and I want to thank my friend, Mr. GREEN, for introducing this legislation. He and I buttress congressional districts in the Houston, Harris County area, and some of the schools in the Aldine Independent School District are in my district as well.

The Broad Prize for Urban Education, established in 2002, is the largest education award in the country given to school districts. Aldine was chosen to receive this award from 100 of the largest school districts in all of the United States. And that allows seniors from the Aldine School District to be eligible for 2- to 4-year scholarships up to $20,000 due to this award that is going to the school district.

The Aldine School District consistently ranks among the highest performing school districts in the whole State of Texas according to the Texas Education Agency. And the Aldine School District has been a finalist four times for the Broad Prize for Urban Education.

Between 2005 and 2008, the Aldine Independent School District narrowed the income achievement gap in reading at all levels, and in math at the elementary and middle school levels. This school district has done a tremendous job with the students, working with the teachers and the administration to bring up the education quality of the students and prepare them for lifetime experiences.

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So I want to congratulate the Aldine School District and all of their work. This award is well deserved, and it is my hope that all school districts across Texas and the United States can mirror the success of this school district in achieving high academic quality throughout their school districts.

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

Mr. SABLAN. Mr. Speaker, again, I urge my colleagues to support H. Res. 791.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 791, 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.

CONGRATULATING KAPPA ALPHA PSI FRATERNITY

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 659) congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 659

Whereas Kappa Alpha Psi Fraternity, Inc., was founded on January 5, 1911, on the campus of Indiana University in Bloomington, Indiana, by Elder Watson Diggs, John Milton Lee, Byron K. Armstrong, Guy Levis Grant, Ezra D. Alexander, Henry T. Asher, Marcus P. Blakemore, Paul W. Caine, Edward G. Irvin, and George W. Edmonds;

Whereas the founders of Kappa Alpha Psi were young men who possessed the imagination, ambition, courage, and determination to defy custom in pursuit of college educations and careers during an oppressive time in American history for African-Americans;

Whereas Kappa Alpha Psi stressed the importance of achievement in seeking to set the sights of African-American youth on accomplishments greater than those they otherwise would have imagined or realized;

Whereas, since its founding, Kappa Alpha Psi has matured to an organization of over 150,000 college-trained men;

Whereas Kappa Alpha Psi's undergraduate chapters are located on more than 360 college and university campuses and its alumni chapters are located in 347 cities in the United States and 5 foreign countries;

Whereas Kappa Alpha Psi has a partnership with Habitat for Humanity and builds a home for a local family in conjunction with each of its biennial conventions;

Whereas Kappa Alpha Psi has a partnership with Memphis-based St. Jude Children's Research Hospital and has designated the hospital as the primary benefactor of its national fundraising efforts;

Whereas Kappa Alpha Psi sponsors Kappas on Capitol Hill, a four-day conference for its members in the Nation's capitol designed to increase its members' awareness of the political process through workshops, seminars, and lectures;

Whereas Kappa Alpha Psi has emphasized financial literacy in its community-based outreach, implementing two major programs, Credit Abuse Resistance Education (CARE) and Greeks Learning to Avoid Debt (GLAD) in partnership with the National Association of Bankruptcy Trustees, the National Foundation for Credit Counseling, and the National Pan-Hellenic Council;

Whereas Kappa Alpha Psi, through its Kappa League and National Guide Right programs, has provided thousands of at-risk youth in communities throughout the Nation with role models and mentors that encourage them to make positive contributions to, and to take leadership roles in, their communities;

Whereas, since 1990, Kappa Alpha Psi's Kappa Scholarship Fund has provided scholarship grants to over 10,000 high school graduates to assist in furthering their education;

Whereas Kappa Alpha Psi's chapters nationwide regularly participate in its Holiday Food Drive, provides food, clothing, and toys to low income citizens in many metropolitan and rural communities throughout the Nation;

Whereas Kappa Alpha Psi's national theme of ''One Kappa, Creating Inspiration: A Call to Service'' has mobilized Kappa men across the Nation who are leaders in business, education, government, the humanities, arts and entertainment, science, and medicine to become better servant leaders for their respective families and communities, the Nation, and the fraternity at large; and

Whereas Kappa Alpha Psi Fraternity, Inc., will hold its 79th Grand Chapter Meeting in Washington, DC, August 4 through August 9, 2009: Now, therefore, be it

Resolved, That the House of Representatives congratulates Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation.

The SPEAKER pro tempore (Mr. CLAY). Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 659 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 659, which congratulates Kappa Alpha Psi Fraternity, Incorporated, on 98 years of service and leadership.

Founded in 1911 at Indiana University, Bloomington, Kappa Alpha Psi's fundamental purpose is achievement. It seeks to develop its members, particularly its collegiate men, into leaders in their communities and into achievers of excellence in their academic pursuits. This distinguished fraternity boasts undergraduate chapters on more than 364 college and university campuses and alumni chapters in more than 347 U.S. cities and 5 foreign countries.

In honor of the ideals it was founded on, members of Kappa Alpha Psi play active roles in their communities. The fraternity sponsors an array of programs providing community service and social welfare. Members participating in their Biennial Undergraduate Leadership Institute built homes in conjunction with Habitat for Humanity in St. Louis in 2005 and in Minneapolis in 2007.

The fraternity maintains a philanthropic partnership with St. Jude Children's Research Hospital, with each chapter committed to serving that cause. Additionally, its chapters annually participate in the Holiday Food Drive, working to provide food, clothing and toys to local citizens in need.

The values and principles of Kappa Alpha Psi have attracted a diverse group of men throughout the years, many who have gone on to become prominent and achieved members of society. Among them are Percy Sutton, entrepreneur and owner of the Apollo Theater; Judge Herman Thomas, justice on the State Supreme Court of Alabama; Dr. C. Eric Lincoln, author of ''Black Muslims in America''; Ralph Wiley, sportswriter and author; and numerous State and elected officials.

Uniting under their national theme of ''One Kappa, Creating Inspiration: A Call to Service,'' Kappa Alpha Psi members from all walks of life continue to mobilize in service of each other and their communities. Kappa Alpha Psi has developed a strong tradition of leadership and service, and I congratulate them on their 98 years of achievement.

Mr. Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 659, congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and of enriching the lives of collegiate men throughout the Nation.

Kappa Alpha Psi Fraternity was founded in 1911 at Indiana University, Bloomington. Today, the Kappa Alpha Psi Fraternity has over 150,000 members with 700 undergraduate and alumni chapters in every State of the Union and international chapters in the United Kingdom, Germany, Korea, Japan, the Caribbean, St. Thomas, St. Croix, the U.S. Virgin Islands, Nigeria, and South Africa.

Annually, more than 1,800 members are initiated into Kappa Alpha Psi. The fraternity's constitution has never contained any clause which has either excluded or suggested the exclusion of a man from membership because of color, creed or national origin. To be considered for membership, a candidate must have a 2.5 grade point average on a 4.0 scale.

Kappa Alpha Psi chapters are active in their communities and colleges and universities. The fraternity has sponsored programs such as Guide Right, Kappa League and the Student of the Year competition.

I am happy to congratulate Kappa Alpha Psi Fraternity, and I ask my colleagues to support this resolution for this great organization, this fraternity, that has meant so much to our country.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to today to applaud the actions of the House of Representatives in recognizing one of the first African American fraternities. I strongly support H. Res. 659, which recognizes Kappa Alpha Psi fraternity and its 98 years of service to local communities, the pursuit of academic scholarship and a commitment to social welfare. I urge my colleagues to support this important resolution.

Since its humble beginning on the campus of Indiana University Bloomington in 1911, Kappa Alpha Psi fraternity has been characterized by a commitment to empowering African American men through mentorship, financial literacy, and community involvement. It is this commitment to excellence that has established Kappa Alpha Psi as one of the finest fraternal organizations in the country. With over 150,000 members, 700 undergraduate and alumni chapters in every state of the United States, and international chapters in the United Kingdom, Germany, Korea, Japan, and Nigeria, Kappa Alpha Psi fraternity has produced notable leaders in the fields of government, athletics, education, and business. Current alumni include director, writer, and producer John Singleton, Civil Rights advocate Donald L. Hollowell, and Robert L. Johnson, the founder of Black Entertainment Television.

Kappa Alpha Psi fraternity has far surpassed the vision of its founders to produce upstanding, high quality African American males who possess positive values and the desire to serve their communities.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 659 to congratulate Kappa Alpha Psi Fraternity, Inc. on 98 years of serving local communities and enhancing the lives of collegiate men throughout the United States.

Throughout this organization's history, the gentlemen of Kappa Alpha Psi Fraternity, Inc. have proven to be exemplary public servants and strong leaders in their communities. They seek to train their members for leadership roles and encourage a high academic standard. In close to a century of existence, the Kappa Alpha Psi Fraternity, Inc. has initiated over 120,000 members and encouraged their members to participate in programs such as their Undergraduate Leadership Workshop, their Habitat for Humanity Program, their St. Jude Research Hospital Partnership, ''Kappas on Kapitol Hill'', and their CARE/GLAD Financial Literacy Programs. Additionally the Kappa Alpha Psi Fraternity, Inc. counts within its ranks numerous professional athletes, entertainers, and countless civic and business leaders, and I have the distinct pleasure of serving in the House of Representatives with SANFORD D. BISHOP, JOHN CONYERS, Jr., ALCEE L. HASTINGS, WILLIAM LACY CLAY, and BENNIE THOMPSON who are all members of this noble organization.

As a member of a Greek organization myself, I value and appreciate the deep meaning that this brotherhood holds for so many individuals. I ask my fellow colleagues to join me today in supporting H. Res 659 to honor Kappa Alpha Psi Fraternity, Inc.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 659 to congratulate Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation. The achievement of this noble organization for building generations of God fearing, clean-living, serious-minded young men who possess the imagination, ambition, courage, and determination to pursue college educations.

Early in the 20th century, African-American students were actively dissuaded from attending college. Formidable obstacles were erected to prevent the few who were enrolled from assimilating into co-curricular campus life. This ostracism characterized Indiana University in 1911, thus causing Elder W. Diggs, Byron K. Armstrong, and eight other African-American students to form Kappa Alpha Psi Fraternity, which remains the only Greek letter organization with its 1st Chapter on Indiana University's campus. The founders sought a formula that would immediately raise the sights of Black collegians and stimulate them to accomplishments higher than they might have imagined. Fashioning achievement as their purpose, Kappa Alpha Psi began uniting college men of culture, patriotism and honor in a bond of fraternity.

I believe such righteous efforts to be the foundation for so many college age males is a praiseworthy venture. Since its founding in 1911, Kappa Alpha Psi has matured to an organization of over 150,000 college-trained men, maintains undergraduate chapters on more than 360 college and university campuses and its alumni chapters are located in 347 cities in the United States and 5 foreign countries. With an established history of community service, Kappa Alpha Psi is involved with such charitable organizations as Habitat for Humanity, where they build a home for a local family in conjunction with each of its biennial conventions. They also have a lasting partnership with Memphis-based St. Jude Children's Research Hospital and have designated the hospital as the primary benefactor of their national fundraising efforts. Kappa Alpha Psi, through its Kappa League and National Guide Right programs, has provided thousands of at-risk youth in communities throughout the Nation with role models and mentors that encourage them to make positive contributions to, and to take leadership roles in, their communities. Since 1990, Kappa Alpha Psi's Kappa Scholarship Fund has provided scholarship grants to over 10,000 high school graduates to assist in furthering their education. Kappa Alpha Psi's national theme of 'One Kappa, Creating Inspiration: A Call to Service' has mobilized Kappa men across the Nation who are leaders in business, education, government, the humanities, arts and entertainment, science, and medicine to become better leaders for their respective families and communities, the Nation, and the fraternity at large. With so many viable ways of helping out within their community, Kappa Alpha Psi is at the forefront of achievement through service.

The Houston Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. was chartered March 31, 1928. The charter members were men who wanted to continue a formal association with the fraternity at a time when they were no longer undergraduates. So, they petitioned the Grand Chapter and the Houston Alumni Chapter became the 2nd Alumni Chapter chartered in Texas. These men were professionals and leaders in the community. What is most impressive about them is that they were living in the South in 1928 only 63 years after the Emancipation Proclamation, yet they had all graduated from or attended college. The Charter members of Houston Alumni Chapter were Dr. Charles W. Pemberton, Leland Ewing, Cornelius A. Ladner, ''Watty Watkins'', Dr. Leon J. Peacock, W.L.D. Johnson, Sr., J.C. McDade, R.C. Chatman, Dr. Birch, Obie Williams, T.B. Allen, Albert Bateman, and J.D. Collins, Jr. It has been noted that Allen, Bateman, and Collins came to Houston after pledging at undergraduate chapters in the midwest and the southeast.

Dr. Charles W. Pemberton was the 1st Polemarch of the Houston Alumni Chapter. The first two initiates of Houston Alumni Chapter were F.L. Howard and D.P. Young in 1929.

The Houston Alumni Chapter has produced six Southwestern Province Polemarchs (Regional Presidents): Dr. Charles W. Pemberton (1934–1936), W.L.D. Johnson, Sr., (1944–1946) Cornelius Ladner (1947–1951), T.B. Allen (1971–1973), Attorney William ''Randy'' Bates (1998–2003), and Ronald V. Julun (2007–present). These represent approximately 25 percent of all the Polemarchs in the history of the Southwestern Province.

Two Grand (National) Chapter Officers have come from the Houston Alumni Chapter. C.B. Davis was on the Grand Board of Directors from 1973–1976. Current Sr. Grand Vice Polemarch William ''Randy'' Bates has served in that capacity from 2007–present. He previously served as an elected at-large member of the Grand Board of Directors from 2003–2007.

There has been two Laurel Wreath Awardees (which is the highest Award in Kappa Alpha Psi), Astronaut Dr. Bernard A. Harris, Jr., 51st awardee and Dr. Bobby L. Wilson, 58th awardee.

There have been two Elder Watson Diggs Awardees (the second highest Award in Kappa Alpha Psi): Attorney Carl Walker, Jr., and Willie High Coleman, Jr., Esq.

Houston Alumni Chapter was the host of the 2nd Southwest Provincial Meeting held April 17–19, 1936.

Houston Alumni Chapter was the host of the 57th Grand Chapter meeting, held December 26–30, 1971. And, it will serve again to host the 81st Grand Chapter Meeting (Conclave) in 2013.

Houston Alumni Chapter hosted the 62nd Southwestern Province Council Meeting on March 12–15, 1998. This was the largest Province meeting in the history of the Fraternity.

Houston Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. was the first Greek Letter organization to bring the Ebony Fashion Fair to Houston beginning in the 1960s and continuing for a period of 5–6 years making the Chapter one of the first sponsors of the Ebony Fashion Fair in the nation.

The Chapter has historically held various social entertainment activities for members and the community, including the Kappa Kostume Carnival and Kappa Kasino Night. For the last 20 plus years, the Chapter hosts an annual dance/gala around Valentine's Day. In recent years it is referred to as either the Sweetheart Dance or Red & White Ball. Its predecessor was called the Fireball. Typically in June for the past 30 plus years, the Annual Black & White Ball is held. This stylish affair is the Chapter's marquee social event, and annually attracts 500–700 guests. Scholarship award recipients and their parents are recognized during the Ball. Other events include the Annual Christmas Party, Local Founders Day, and Chapter Picnic.

Three Houston Alumni Chapter Polemarchs have served four consecutive terms: Ollie Harris (1966–70), Manassus McGowan (1986–90), and Willie H. Coleman, Jr. (1996–99). At 27 years of age Willie Earlie is the youngest person to have served as Houston Alumni Chapter Polemarch. Brother Prince Barrett is the oldest initiate in the history of the Chapter and possibly in the history of the fraternity. He began his process in 1948 and became a member in 1997. He is now in his 80s and continues to participate in most of our activities. Brother Stan Weakley first pledged Kappa in 1968 and became a member in 1998.

Great effort, time, and expense have been expended to grow Kappa Alpha Psi Fraternity, Inc., and to bring Houston Alumni Chapter to its current status. A very select few, pledged as undergraduates or graduate members, have maintained unbroken financial status at the local and/or national level. Kappa Alpha Psi Fraternity, Inc., is not a club. Sustained and lifetime commitment are crucial elements to fulfillment of the goals of this Great Fraternity. Those unwilling to make such a commitment should look elsewhere.

The history of the Fraternity, and Houston Alumni Chapter specifically, is forever evolving. Capable men dedicated to service and high achievement will always be remembered in its story.

In 1929, records show that both Marshall Alumni and Houston Alumni were chapters of the Southern Province. The actual establishment date of the Southwestern Province, however, is unclear. But, its first Polemarch is known to be Dr. Oliver W. Phillips, who served from 1930–31. Brother Phillips was a charter member of Kappa Chapter in 1919 and a member of the Guide Right Commission in 1930.

Hosted by the Epsilon, Lambda and Philadelphia Alumni Chapters, the Twentieth Grand Chapter assembled in Philadelphia, Pennsylvania, on December 27–31, 1930. A. Moore Shearin was elected to the office of Grand Polemarch. He appointed J.W. Holland as Province Polemarch of the Southwestern Province consisting of Upsilon Chapter at UCLA; Los Angeles Alumni Chapter, Marshall Alumni Chapter, and Houston Alumni Chapter. Holland's appointment continued to usher a legacy of Achievement in the Southwestern Province. Today, the Southwestern Province consists of Arkansas, Louisiana, Southern Mississippi, New Mexico and Texas and constitutes the largest Province in the Fraternity.

The Houston Alumni Chapter of Kappa Alpha Psi also sponsors the Education & Charities Foundation of Houston, which was incorporated in 1992 as a non-profit 501(c)3 entity. The primary purpose of the Foundation can best be described as stated in Article Four of the Incorporation documents:

''Operated for charitable and educational purposes which directly benefit the citizens of Houston and Harris County by the provision of services for and support of the attainment of higher education for youth via support services and models of achievement, along with the development of cooperative efforts with social and civic organizations to support and participate in educational and cultural activities for the benefit and fulfillment of these purposes.''

The Education and Charities Foundation of Houston is comprised of well respected professional men who aspire to high ideals and honorable achievement in all aspects of life. Inclusive in the membership of the Foundation are such prominent personalities and leaders as former city of Houston Council Member Al Calloway, State Representative Harold Dutton, Astronaut Bernard Harris (1st African American to walk in space), Channel two news personality Khambrel Marshall, TSU Vice President of Academic Affairs Dr. Bobby Wilson (and interim President), District Court Judge Mark Carter and former District Judge Carl Walker.

In pursuit of its goals, the Foundation has engaged in a variety of fund raising initiatives since its inception, with the primary focus being to raise money for scholarships and to directly support predetermined programs, e.g., Kappa Kamp, mentoring events, etc. We have awarded 11 4-year scholarships and made several one-time awards to students who otherwise might not have been financially capable of pursuing a college education.

The Foundation has sponsored numerous ''at-risk'' youth programs during the past several years inclusive of Kappa Kamp and Prince Hall Summer Camp both of which are youth development, leadership and enrichment experiences. Kappa Kamp is a youth camp enrichment program conducted at the renowned ''Piney Woods Country Life School'' in Mississippi, every summer.

The group has supported numerous community initiatives inclusive of the Ft. Bend Education Foundation's and STEPS auxiliary Fine Arts Program and recently assisted a University of Houston student in the African American studies program participate in a trip to Ghana, West Africa.

For these reasons and more, I join Congressman HASTINGS and my colleagues in the House of Representatives to congratulate Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation.

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

Mr. SABLAN. Mr. Speaker, I would like to thank the distinguished gentleman for his support of House Resolution 659, and I also urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 659, 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. SABLAN. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE 100TH ANNIVERSARY OF THE UNIVERSITY OF WISCONSIN-LA CROSSE

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 730) honoring the 100th anniversary of the University of Wisconsin-La Crosse, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 730

Whereas La Crosse is located on the western border of middle-Wisconsin on the east side of the Mississippi River;

Whereas the first Europeans to see the site of La Crosse were French fur traders who traveled the Mississippi River in the late 17th century;

Whereas La Crosse was incorporated as a city in 1856;

Whereas Thomas Morris sponsored a bill in the Wisconsin State Senate that led to the creation of the current day University of Wisconsin-La Crosse;

Whereas University of Wisconsin-La Crosse was founded as the La Crosse Normal School in 1909 for the purpose of teacher preparation;

Whereas the philosophy of Fassett A. Cotton, the university's first president, was to train the whole person;

Whereas ''Mens Corpusque'', Latin for mind and body, is the motto on the university seal;

Whereas the college changed its name to Wisconsin State College-La Crosse in 1951 when the La Crosse State Teachers Colleges could establish baccalaureate degrees in liberal arts;

Whereas University of Wisconsin-La Crosse offers 88 undergraduate programs in 44 disciplines and 26 graduate programs;

Whereas University of Wisconsin-La Crosse celebrated its 50th anniversary in 1959, the same year that presidential candidate John F. Kennedy visited the campus and spoke to the student body in Graff Main Hall auditorium;

Whereas U.S. News & World Report ranked the University of Wisconsin-La Crosse second among Midwestern public universities offering bachelor's and master's degrees;

Whereas the University of Wisconsin-La Crosse men's athletic teams took the nickname ''Eagles'' in fall 1989, and the women teams a year later;

Whereas the University of Wisconsin-La Crosse athletic teams have won 59 NCAA Division III national titles in 9 different sports; and

Whereas 2009 marks the 100th anniversary of the founding of the University of Wisconsin-La Crosse: Now, therefore, be it

Resolved, That the House of Representatives honors the University of Wisconsin-La Crosse, on its 100th anniversary and commends the institution's status as a leading public university that excels in academics, athletics, and quality of life for students.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 730 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 730, which celebrates and honors the University of Wisconsin-La Crosse's 100 years of teaching and learning.

Founded in 1909, the La Crosse Normal School eventually became what is now known as the University of Wisconsin-La Crosse. Beginning with just over 150 teacher preparation students, the small school has grown into a prestigious university.

Today, the University of Wisconsin-La Crosse enrolls over 9,000 students and offers a wide range of courses. With 85 undergraduate majors, 30 disciplines and 21 graduate degrees, the University of Wisconsin-La Crosse boasts a strong academic program. By coupling this strong educational base with student support services and a low student-to-faculty ratio, the school has become a premier public university. According to U.S. News and World Report, the University of Wisconsin-La Crosse is ranked second in the Midwest among public universities that offer both bachelor's and master's degrees.

Much has changed in La Crosse's 100-year history, but many of the core principles have remained constant. The university still strives to embrace the philosophy of its first president—to train the whole person. In fact, the university still uses the message ''mind and body'' as their motto, and it supports learning across a wide range of disciplines. With students from 43 States and 50 countries, the university works hard to prepare students for our increasingly global community, and it encourages students and faculty to value diversity.

This year, the University of Wisconsin-La Crosse will continue to grow its impact. As the university community celebrates their accomplishments and rich history, the University of Wisconsin-La Crosse will take a moment to reflect on a century of achievement. The university will also take a look ahead to the next 100 years of inquiry, learning and discovery.

Mr. Speaker, once again, I express my support for the University of Wisconsin-La Crosse, and I want to thank Representative KIND for bringing this resolution forward. I also want to thank the faculty, staff and students of the University of Wisconsin-La Crosse for making the university what it is today.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. GUTHRIE. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 730, honoring the 100th anniversary of the University of Wisconsin-La Crosse.

The University of Wisconsin-La Crosse was founded as the La Crosse State Normal School in 1909. The school was established for the purpose of teacher preparation. In 1964, the college was designated a university as part of the Wisconsin State university system, and it was renamed Wisconsin State University-La Crosse. The university adopted its current name in 1971.

UW-La Crosse now offers 87 undergraduate programs in 44 disciplines and 26 graduate programs with an emphasis in 8 disciplines. The university is organized into 3 colleges: the College of Business Administration, the College of Science and Health, and the College of Liberal Studies, which houses the School of Arts and Communication and the School of Education. The university also offers Wisconsin's only nationally accredited degrees in recreation management and therapeutic recreation, the UW system's only nuclear medicine technology program, and it offers one of two Midwest undergraduate archeology majors.

The University of Wisconsin-La Crosse also has a thriving athletic program. The university maintains strong programs in indoor and outdoor track, cross-country, gymnastics, and football. UW-La Crosse has approximately 570 student athletes, participating on 19 teams, which have won 51 NCAA national titles in 9 different sports. UW-La Crosse has won 23 men's track and field titles in school history, the most in Division III history, and 6 National Collegiate Gymnastics Association championships.

The University of Wisconsin-La Crosse has become an example of excellence in academics, athletics and as an American university. U.S. News and World Report ranked UW-La Crosse second among Midwestern public universities offering bachelor's and master's degrees in 2005, 2006, 2007, and third in 2008. The university was recognized as a ''best value'' by Kiplinger's ''Personal Finance,'' and the Princeton Review named UW-La Crosse one of America's ''best Midwestern colleges'' and an ''America's best value college'' in 2007.

It is a privilege to stand before the House today to congratulate the University of Wisconsin-La Crosse on the occasion of their 100th anniversary. I extend my congratulations to the faculty and staff, to the students and alumni. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to recognize for as much time as he may consume the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I want to thank my good friend and colleague from the Northern Mariana Islands for yielding me this time.

Mr. Speaker, I rise today in support of House Resolution 730, to honor the University of Wisconsin-La Crosse as they celebrate their centennial anniversary. Representing such an exceptional university with a rich history of academic achievement, located in my hometown, is a great source of pride for me.

For the past 100 years, the faculty, staff and students of UW-La Crosse have worked hard to make the university one of the most highly regarded public institutions of higher education in this country. This year, U.S. News and World Report again ranked UW-La Crosse second in its rankings of top Midwestern universities.

Founded in 1909, the university is located in La Crosse, Wisconsin, on Wisconsin's western border, alongside the beautiful Mississippi River, and surrounded by picturesque bluffs. The campus's visual beauty has been a main draw for many students and faculty throughout the years. From its inception, the college has expanded its academic curriculum, and now has 88 undergraduate programs in 44 disciplines and 26 graduate programs. The University of Wisconsin-La Crosse is providing students with a high-quality education that allows them to excel in the competitive global economy.

□ 1515

As the Representative for western Wisconsin, I have always treasured the strong emphasis that's placed in our area on higher education. All of the six universities located in the congressional district have superior technology, science and math programs that will place graduates in the innovative industries in the future.

The University of Wisconsin-La Crosse is no exception to this. It is the leading public university that excels in academics, athletics and the quality of life for its students.

UW–L also has an extremely diverse student body that enhances students' cultural awareness and learning experience. The university is a member of the International Student Exchange programs and has made partnerships with other universities around the world. Currently students from over 54 different countries are enrolled at UW–L.

I can attest firsthand to the high caliber of graduates that UW-La Crosse produces, because throughout my time in Congress I have employed many of them. Currently, I have seven graduates from UW-La Crosse on my staff, who happen to be with us today in the House gallery, from my chief of staff, Erik Olson, to my district office manager, Loren Kannenberg, Shannon Glynn, Steve Sipe, Brad Smith, Karrie Jackelen and Mark Seitz. I congratulate them on their achievement and thank them for the outstanding work they do on behalf of the people of the Third Congressional District of western Wisconsin. It's clear that UW-La Crosse prepared them well for their careers after graduation.

I would like to congratulate all of the UW-La Crosse faculty, staff, students, alumni, of the past 100 years for the century of academic excellence. UW-L wouldn't be the success that it is if it wasn't for their hard work and dedication.

The university has achieved so many great things over the past 100 years. I know that the faculty, staff and students of UW-La Crosse will achieve even more over the next 100 years.

Mr. GUTHRIE. Mr. Speaker, I have no further speakers. I encourage my associates and colleagues to vote for this resolution, and I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I urge my colleagues to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 730, 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.

SUPPORTING NATIONAL WORK AND FAMILY MONTH

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 768) expressing support for the designation of the month of October as ''National Work and Family Month,'' as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 768

Whereas, according to a report entitled ''Attraction and Retention'' published by an organization called WorldatWork, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas, according to a 2008 report by the Families and Work Institute entitled National Study of the Changing Workforce, employees with a high level of work-life integration are, compared to employees with moderate or low levels of work-life integration, more highly engaged and less likely to look for a new job in the next year, and also enjoy better overall health, better mental health, and lower levels of stress;

Whereas, according to a 2004 report entitled ''Overwork in America'', employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feeling resentment toward employers and coworkers;

Whereas, according to the Best Places to Work in the Federal Government rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of employee engagement and satisfaction in the Federal workforce;

Whereas finding a good work-life balance is important for workers in multiple generations, as indicated by a 2009 survey entitled ''Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It'', which found that attaining a healthy work-life balance was an important career goal of 66 percent of respondents, and a 2008 study entitled ''A Golden Opportunity'', which found that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of these potential workers find flexible work schedules ''extremely appealing'';

Whereas, according to research by the Radcliffe Public Policy Center in 2000, men in their 20s and 30s and women in their 20s, 30s, and 40s identified as the most important job characteristic a work schedule that allows them to spend time with their families;

Whereas, according to research by the Sloan Center for Aging and Work, a majority of workers age 53 and older attribute their success as an employee, by a great or moderate extent, to job flexibility, and also report that, to a great extent, job flexibility contributes to an overall higher quality of life;

Whereas employees who are able to effectively balance family and work responsibilities feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, according to the 2006 American Community Survey, 47 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives, and parental involvement is associated with higher child achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas a 2000 study entitled Urban Working Families revealed that a lack of job flexibility for parents negatively affects child health by preventing parents from making needed doctors' appointments and children from receiving adequate early care, which makes illnesses more severe and prolonged;

Whereas, from 2001 to early 2008, 1,700,000 active duty troops have served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) have been called up to serve, creating a need for policies and programs to help military families adjust to the realities that come with having a family member in the military;

Whereas according to a Centers for Disease Control and Prevention (CDC) report, less than half of mothers who work full time exclusively breastfeed their newborns although support for lactation at work benefits individual families as well as employers by improving productivity and staff loyalty, and decreasing absenteeism and employee turnover;

Whereas according to the CDC, breastfeeding is the most beneficial form of infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric obesity;

Whereas studies report that family rituals, such as sitting down to dinner together positively influence children's health and development, and that healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care for elderly United States citizens, and the Department of Health and Human Services estimates the number of such caregivers to reach 37,000,000 by 2050, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October would be an appropriate month to designate as ''National Work and Family Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Work and Family Month'';

(2) recognizes the importance of balancing work and family to job productivity and healthy families;

(3) recognizes that an important job characteristic is a work schedule that allows employees to spend time with families;

(4) supports the goals and ideals of ''National Work and Family Month'', and urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(5) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Work and Family Month'' with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 768 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 768, which expresses support for National Work and Family Month.

Currently, most people work, and balancing work and family is particularly challenging for these workers. This is particularly true for working women who comprise over one half of the workforce and are more likely than men to be primary caregivers of children or other family members.

According to the Bureau of Labor Statistics, women spend about 6.3 hours a day caring for children under the age of 13, while men spend 4.1 hours.

In addition, women feel more societal pressure than men to stay home with a child or elderly parent who requires care. There is substantial evidence that family-friendly policies help parents balance work and family, improve employers' bottom line, and have beneficial effects on children.

A 2008 report by the Families and Work Institute found that workers who are able to balance work and family are more highly engaged in their work and less likely to look for a new job in the next year. They also enjoy better overall health, better mental health and lower levels of stress. In fact, family-friendly policies might be the keys to this country's prosperity. The Government Accountability Office has published a study on the practices of other countries and found that policies such as paid leave help workers, especially women, enter and remain in the workforce.

Finding a good balance between work and family is important to most people. A 2009 survey of students found that two-thirds of respondents cited a healthy work-life balance was an important career goal.

In addition, research by the Radcliff Public Policy Center found that women in their 20s, 30s and 40s and men in their 20s and 30s identified the most important job characteristic to be a job schedule that allows them to spend time with their families.

A majority of workers age 53 and older attribute their success as an employee to job flexibility, which contributes to an overall higher quality of life. By the same token, lack of job flexibility for parents negatively affects child health because they are taken to their doctor less often and do not receive adequate early care.

Studies have found that family rituals such as sitting down to dinner together and sharing activities and holidays positively influence children, children's health and development. Due to the aging of the baby boomers, the Department of Health and Human Services estimates that the number of unpaid caregivers will reach 37 million by 2050, up 85 percent from 2000.

I encourage my colleagues to support designating October as National Work and Family Month in order to shine a light on the beneficial effects of balancing work and family.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 768, expressing support for the designation of the month of October as National Work and Family Month.

Establishing a healthy balance between work and family obligations is something that most workers, women and men, struggle with at some point in their careers. Studies have shown that employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feel resentment towards employers and coworkers.

Eighty-five percent of the United States' wage and salaried workers have immediate day-to-day family responsibilities outside of their jobs. Workplace flexibility often allows parents to be more involved in their children's lives. Parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates.

Today, with this resolution, we support the designation of the month of October as National Work and Family Month. Through this designation, we recognize the importance of balancing work and family; and we urge public officials, employers, employees, and the general public to work together to achieve more balance between work and family.

I stand in support of this resolution, and I ask my colleagues' support.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to recognize at this time the author of the resolution, the distinguished gentlewoman from New York (Mrs. MCCARTHY) for as much time as she may consume.

Mrs. MCCARTHY of New York. I want to thank my colleagues for bringing this resolution to the floor. I also want to thank my ranking member on our Subcommittee on Healthy Families and Communities, Mr. PLATTS. He and I have worked very well on a number of issues, and we appreciate his hard work in joining me as the lead cosponsor on this resolution.

I would also like to thank Chairman MILLER, Ranking Member KLINE, and all of the committee staff who always do such a wonderful job. National Work and Family Month is the centerpiece of a national educational campaign to raise awareness among employers about the value of work-life integration.

The goal is to encourage all workplaces to pause once a year during the month of October to communicate and celebrate the progress already made on the journey to creating healthier and more flexible work environments and then raise the bar to accomplish even more the following year. Workplace flexibility is extremely important in today's busy world. Corporations that engage in these family-supportive practices have earned well in their stock values.

This year, more than ever, employers need to know there is an inexpensive, efficient way to motivate and retain top talent that they will need to get through tough times. Employees need to know it's good to utilize work-life programs offered in an organization because it will help them become much more productive. Over 5 years, every October, businesses all over the country have celebrated National Work and Family Month.

The problem of work-life conflicts affects everybody. A majority of working men and a significant portion of women with children under the age of 18 report some level of work-life conflict.

It's important to designate a time for employers to help employees understand their option and achieve better work-life integration. Meanwhile, employees need to know it's good to utilize work-life programs offered at any organization, because it will help them become more productive.

Decades of research show that an investment into work-life categories provide a positive return and investment, a more productive, engaged and healthier workforce.

Mr. GUTHRIE. Mr. Speaker, I have no further speakers, and I encourage the adoption of this resolution in commemorating the work and balance that families have to have between work and family time. I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, again, I urge my colleagues to support House Resolution 768, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 768, 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. SABLAN. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING RECOGNITION OF COLUMBUS AND HIS ROLE IN UNITED STATES HISTORY

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 822) expressing support for students to learn about Christopher Columbus.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 822

Whereas Columbus Day is celebrated the second Monday in October every year to honor Christopher Columbus;

Whereas Christopher Columbus arrived in the Americas on October 12, 1492, and is credited with initiating the European colonization of the Americas;

Whereas tributes and memorials to Christopher Columbus exist today in almost every State in the Nation;

Whereas the discovery and colonization of the Americas is an integral part of the history and heritage of the United States;

Whereas according to the National Assessment of Educational Progress in 2006, less than half of the country's high school seniors had a basic knowledge of United States history;

Whereas 29 States require high school students to take a class in civics or government;

Whereas a proficient knowledge of the history and heritage of the United States is important to promoting additional civic involvement; and

Whereas educating today's young people about the history and heritage of the United States is essential to creating an informed generation of citizens: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the recognition of Christopher Columbus and his role in the discovery and history of the United States;

(2) recognizes that it is important for young people to learn about Christopher Columbus and the discovery, heritage, and history of the Nation; and

(3) encourages all people to take advantage of educational opportunities in high schools and institutions of higher education to learn about Christopher Columbus' discovery of the Americas and United States history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 822 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 822, which recognizes the important role Christopher Columbus played in the history of the United States. The resolution also underlines the overall importance of learning about our history.

On October 12, 1492, Christopher Columbus and his 90 crew members arrived in the Americas aboard his famous three-ship fleet. The voyage, which lasted nearly 10 weeks, began in Spain and ended on the Bahamian island of Guanahani. Credited with discovering the new world, Columbus is a controversial figure whose quest to find new trade routes to Asia brought him to our shores.

□ 1530

Americans first celebrated Columbus Day on October 12, 1792, to commemorate the 300th anniversary of his landing. The first official Columbus Day holiday, however, was not celebrated until after the 400th anniversary, when President Benjamin Harrison issued a proclamation in 1892. Today, tributes and memorial celebrations in honor of Christopher Columbus take place across the Nation.

This resolution stresses the importance of understanding the importance of Christopher Columbus' voyage, our broader history, and a call for students to learn about our Nation's heritage.

The importance of an educated and active citizenship cannot be overstated. Without a basic civic education, it is less likely that today's students will vote or engage in active citizenship as adults. Civic education raises awareness and responsibility in our students. Learning about our history is important not only for its academic aspects, but also for the way in which it improves our democracy.

I want to express my support for this resolution and encourage young people to learn about how history affects their everyday lives. I urge my colleagues to support this resolution, and I thank Representative THOMPSON for bringing it to the floor.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of H. Res. 822, expressing support for students to learn about Christopher Columbus. Yesterday, we celebrated the 517th anniversary of Christopher Columbus' voyage to the Americas. Columbus landed in the Americas in what is now the Commonwealth of the Bahamas on October 12, 1492. Christopher Columbus' voyage to America was an integral part in the history and founding of our Nation.

Today, tributes to Christopher Columbus can be found all around the country. Almost every State has a city that bears the name ''Columbus.'' There are memorials located from coast to coast. There is a fountain memorializing Columbus here in Washington, D.C., and a chapel relocated from the Columbus family castle in Spain to Pennsylvania, just to name a couple of examples.

The importance of Christopher Columbus in American history and heritage is obvious. However, if you asked students today, many cannot tell you why yesterday was a holiday and for most a day off from school. The importance of a knowledge of history has been argued for centuries. Yet, according to the National Assessment of Educational Progress in 2006, less than half of the country's high school seniors have a basic knowledge of American history. For this reason, it is important to support this resolution and encourage students to take advantage of educational opportunities, in and out of school, to learn about Christopher Columbus and his voyage to America and the history of the United States.

I would like to thank my colleague from Pennsylvania, Mr. GLENN THOMPSON, for introducing this resolution. I ask my colleagues to support this resolution.

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

Mr. SABLAN. Mr. Speaker, again I urge my colleagues to support House Resolution 822. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 822.

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.

IRAN SANCTIONS ENABLING ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1327) to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1327

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 ''Iran Sanctions Enabling Act of 2009''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that directly or indirectly support the Government of Iran's efforts to achieve a nuclear weapons capability.

(2) Policy makers and fund managers may find moral, prudential, or reputational reasons to divest from companies that accept the business risk of operating in countries that are subject to international economic sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

SEC. 3. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES INVESTED IN IRAN'S ENERGY SECTOR.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support the decision of State governments, local governments, and educational institutions to divest from, and to prohibit the investment of assets they control in, persons that have investments of more than $20,000,000 in Iran's energy sector.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) INVESTMENT ACTIVITIES IN IRAN DESCRIBED.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more in the energy sector of Iran;

(2) provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector in Iran; or

(3) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit to invest in the energy sector in Iran.

(d) REQUIREMENTS.—The requirements referred to in subsection (b) that a measure taken by a State or local government must meet are the following:

(1) NOTICE.—The State or local government shall provide written notice to each person to whom the State or local government, as the case may be, intends to apply the measure, of such intent.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which the person receives the written notice required by paragraph (1).

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide each person referred to in paragraph (1) with an opportunity to demonstrate to the State or local government, as the case may be, that the person does not engage in investment activities in Iran described in subsection (c). If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) SENSE OF THE CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of the Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit to the Attorney General of the United States a written notice which describes the measure.

(f) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b), or described in subsection (i), is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) INVESTMENT.—The ''investment'' of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; or

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled directly or indirectly by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (i), this section shall apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

(i) AUTHORIZATION FOR PRIOR ENACTED MEASURES.—Notwithstanding any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d)) adopted by the State or local government before the date of the enactment of this Act that provides for the divestiture of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment or business activities in Iran (determined without regard to subsection (c)) identified in the measure.

SEC. 4. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—Solely for purposes of this subsection, and notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information that is available to the public, conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 or engage in investment activities in Iran described in section 3(c) of the Iran Sanctions Enabling Act of 2009. Nothing in this paragraph shall be construed to create, imply, diminish, change, or affect in any way the existence of a private cause of action under any other provision of this Act.''.

SEC. 5. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY EMPLOYEE BENEFIT PLANS.

Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

''(e) No person shall be treated as breaching any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title for divesting plan assets from, or avoiding investing plan assets in, persons that are determined by such person, using credible information that is available to the public, to be engaged in investment activities in Iran described in section 3(c) of the Iran Sanctions Enabling Act of 2009. Any divestiture of plan assets from, or avoidance of investing plan assets in, persons that are so determined to be engaged in such investment activities shall be treated as in accordance with this title and the documents and instruments governing the plan.''.

SEC. 6. DEFINITIONS.

In this title:

(1) ENERGY SECTOR.—The term ''energy sector'' refers to activities to develop petroleum or natural gas resources or nuclear power.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 14(5) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(4) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company, or subsidiary of, or company under common ownership or control with, any entity described in subparagraph (A) or (B).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 7. SUNSET.

This Act shall terminate 30 days after the date on which the President has certified to the Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state-sponsor of terrorism for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law; or

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

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

The Chair recognizes the gentleman from Massachusetts.

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

I am somewhat encouraged by what appears to be some progress in negotiations between the United States and

many other nations and Iran. I believe, as do I think, almost everybody in the House, perhaps not everybody, but almost everybody, that nuclear weapons in the hands of the Iranian regime would be a terrible thing for the world to have to deal with, and I am very supportive of our efforts to mobilize the necessary multinational coalition to impose the kind of sanctions that will stop this.

In that context, I have worked closely with the Chair of the Foreign Affairs Committee, the gentleman from California, Mr. BERMAN, on sanctions legislation, and I believe that he is correctly coordinating closely with the administration on the timing of broader sanctions legislation.

The bill we are discussing right now is one that has previously been passed by this House. It was blocked in the Senate in the previous administration because the State Department argued against it, and I think the time has come for us to do it.

It does not in itself impose any sanctions. What it does is to make it very clear that Americans who are deeply concerned about the prospect of Iranian nuclear power and other aspects of Iranian governance, that they are able to act on those. In particular, this bill says that no one in this country ought involuntarily to have his or her money put to the support of the Iranian economy.

It has two provisions. First, it would protect States which have decided to divest from companies that are invested in Iranian energy operations from being preempted by the Federal Government.

The State of Massachusetts, my home State, some years ago passed a bill saying not that no one in Massachusetts could do business with Myanmar, as the dictatorial rulers of that country now call what was once Burma; they said that they did not want State money, money from the State of Massachusetts, to be involved in ways that would be supportive of that regime. The State Department challenged that on the grounds of Federal supremacy in foreign policy, and the Supreme Court upheld it.

What we do today is to say not that States can make foreign policy, but that States have the right to control their own funds. The staff has given me a list of about 20 States that have enacted legislation to divest from Iran and several other States that have adopted policies of divesting from Iran.

Part of this bill today protects those States which have made the decisions by their own democratic processes from having the Federal Government come in and say, no, we are the Federal Government, we are in charge of foreign policy, and you must continue to invest in Iran.

Secondly, we have had a movement of citizens that say to various investment vehicles, we do not want our money invested in Iran. What this says is that if people who are contributors to an investment fund go to that investment fund, whatever it is, and say, we don't want our money helping to bolster the economy of that regime in Iran, withdraw our funds from those companies, that the company can't be sued.

What we have had is the investment vehicles have often said, I think sometimes frankly not entirely meaning that this is the real reason, oh, well, we can't do that, because we are mandated to get you the best possible dollar return, and if we withdraw here, we will be accused of having used other criteria.

Now, in fact it has been, I think, fairly clear that when you have a very large entity investing broadly, withdrawal from no one cause is going to cause a problem. But that is still the fear that was cited. So what this bill does is to give a very narrowly drafted protection to the investment managers against being sued because they respond to a claim from their own contributors to that fund who don't want to be supporting Iran.

As I said, it does not mandate any divestiture. It does protect State governments from having their money put where they don't want it to be, and it protects entities that do investments from being sued if they were to give in to the moral argument that their funds should not go for this or that country.

There are a couple of technical changes to the bill as introduced which provide that the exceptions are very narrowly drafted just to this. It is, in fact, about the Iranian energy section, and I believe those in America who want to make these decisions should be protected in doing so.

I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I also rise today in strong support for H.R. 1327, the Iran Sanctions Enabling Act of 2009. The author of this legislation, Chairman FRANK, deserves a great deal of credit for helping shepherd this legislation through committee in a very strong bipartisan basis and for his tenacious work in bringing it to the House floor today in a bipartisan manner. I also want to commend my colleague from Illinois, who I know could not be here today, Mr. KIRK, who also has been a champion of this legislation in the past.

Mr. Speaker, with the recent disclosure of a second site for enriching uranium in Iran, our relations with that country continue to be at the forefront of U.S. foreign policy. The Iranian regime has made no secret of its ambitions to acquire nuclear technology while it continues to engage in human rights violations and suppressing dissent.

The U.S. can and should demand that Iran take specific actions, concrete actions, in the near term. This legislation today is going to help in that effort. The Iranian government will be more responsive if the United States can isolate the regime and apply some distinct pressure that will help force Tehran to deliver on its commitments and not merely to do what it has done in the past, and that is use negotiations to merely run out the clock.

This legislation increases the economic pressure that is placed on Iran by permitting State governments, local governments and educational institutions to divest from investments related to Iran's energy sector.

In addition, the legislation would extend to private actors the ability to consider U.S.-Iran relationships in their investment calculus. This means that registered investment advisors are provided a safe harbor, allowing them to divest from or elect not to invest in securities of companies that invest in Iran's energy sector.

Many States, as the chairman had noted, including my own State of Minnesota, have already moved in that direction. But today we have the opportunity to push this important initiative a step closer at the Federal level, and in doing so we can help leverage and we can help slow down Iran's nuclear program and move one step closer to helping diminish this major security threat to the Middle East and the rest of the world.

With the recent revelation of the second enrichment site, passage of this legislation is imperative, and it is even more important than it has been in the past.

So I would urge immediate passage of H.R. 1327, Mr. Speaker.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Massachusetts and express appreciation for his leadership. I seldom find myself in disagreement with the gentleman from Massachusetts, but I want to take exception to this particular legislation.

In 1996, Congress passed the Iran-Libya Sanctions Act, which sanctioned foreign investment in Iran's energy sector. There are those who have said that there was not that much accomplished from that particular sanction act, and there are those who are saying now that if we move forward with sanctions, that it will be actually undermining the business interests of people on the Security Council that the United States needs to work with to try to bring Iran into the international community in a way that promotes international security, and that would be China and Russia.

The fact is that U.S. policy towards Iran for the last three decades has consisted of pressure primarily in economic sanctions, threats, and isolationism.

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While U.S. economic sanctions have hurt Iran's economy, U.S. policy over the last 30 years has not created any meaningful change in the behavior of the Iranian Government. On October

1st, there was a change. For the first time in the recent past, high level delegations from Iran and the U.S. and other industrialized nations sat down to diplomatic talks. There was significant progress.

Among the steps forward was an agreement by Iran to allow access by the International Atomic Energy Agency to the recently revealed planned enrichment facility. Yet, with signs of progress in these highly sensitive talks, we're proposing to set the stage to punish Iran. I think we should be doing everything we can to ensure that diplomacy and that President Obama's efforts here succeed.

I think when we talk about sanctions, we're saying sanctions before the talks, sanctions before any hope for agreements. I don't think the sanctions are going to help with the talks. I don't think sanctions are going to assist us in our efforts to try to bring Iran into a new position in the world community.

I reluctantly oppose this bill, and I'm hopeful that our nuclear posture review will come to an understanding that the United States cannot be in a position of picking nuclear winners and losers. Ultimately, we are going to have to get everyone involved in nuclear abolition.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to an active supporter of this administration and a strong approach towards Iran, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. I thank the gentleman in support of the resolution.

I rise today, Mr. Speaker, in support of H.R. 1327, the Iran Sanctions Enabling Act of 2009, which aims to put a stop to Iran's pursuit of nuclear weapons. It cannot be overstated. A nuclear armed Iran is an urgent and deadly threat to peace and stability in the Middle East and at home.

The anti-Western rhetoric of Iranian President Ahmadinejad has only intensified in recent years. His regime supports terrorism in all its forms, a travesty worsened by the fact that Iran continues to pursue nuclear weapons against the will of the international community. If Iran continues its plans for nuclear buildup, we can expect that nuclear proliferation will increase throughout the region and around the globe. That is why it is critical for Congress to pass the Iran Sanctions Enabling Act.

This legislation would authorize State and local governments to divest from companies investing in Iran's petroleum and natural gas sector. With Tehran importing nearly 40 percent of its gas and diesel needs, this legislation would have a dramatic effect on Iran's economy and is an important step forward in convincing Iran to suspend its nuclear program. It strikes a careful balance between the administration's diplomatic outreach and the need for us to make sure that we can tighten the noose around Iran's neck in the event that those diplomatic efforts are not successful.

Mr. PAULSEN. Mr. Speaker, in closing for this side, I yield myself as much time as I may consume.

Mr. Speaker, at the end of last month, Iran finally got around to notifying the United Nations International Atomic Energy Agency of a previously undisclosed nuclear enrichment facility located on a military base. This additional enrichment facility will allow Iran to make more enriched uranium and make it faster.

Now, what this means is that previous estimates on when Iran could potentially achieve a nuclear weapons breakout are now inaccurate and unreliable. What is especially disconcerting to many of us in Congress is that this is supposed to be a civilian facility but it's located on a military base. This raises quite a few red flags, and we must make sure and not allow the Iranian regime to buy even more time.

Finally, Mr. Speaker, this is another violation of Iran's obligation under the Nuclear Nonproliferation Treaty, which requires all members to declare all nuclear facilities and allow inspection.

Mr. Speaker, it is high time we begin to act on the threat of a nuclear Iran by demanding action, and the Iran Sanctions Enabling Act is one more tool in the toolbox, an important step in moving that direction forward. I ask for its passage, and I commend the leadership again of the chairman for moving this bill in a bipartisan manner forward.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume to make one final point.

It is the fantasy of the President of Iran, among many fantasies, most of them malign, that somehow it's the American Government that's been opposed to them and that the broad reach of the American people would be more sympathetic. The important point to stress here is that this bill does not do anything at the Federal level. This bill empowers State governments and private citizens to give vent to their own understandable extreme dislike and fear of the Iranian Government.

So let's be very clear. This is a bill that will have effect to the extent that the activities of the Iranian Government increase the revulsion many Americans feel at those actions; not at the people of Iran, but at the Government of Iran. If, in fact, some of the hopeful signs were to look better, then this bill will not have much of an impact.

So, to the great extent, whether or not this bill has a real impact will depend very much on what the Iranians do. And so I appreciate the cooperation we've gotten on both sides. And I stress again, this is a bill that empowers American citizens, American local and State governments, and whether or not this leads to action will depend very much on future actions by the Government of Iran.

Mr. MORAN of Kansas. Mr. Speaker, it is none too soon that the House is considering what I hope will be the first of several pieces of legislation to sanction Iran for its illegal nuclear program.

Despite Iran's agreement on October 1 to allow IAEA inspectors to visit its newly disclosed nuclear site near Qom, the regime continues to enrich uranium. Iran grows more and more dangerous each day enrichment is allowed to continue. A nuclear-armed Iran is an existential threat to Israel; would threaten the safety of American troops in the region; would likely embolden terrorist groups Hamas and Hezbollah; and could lead to a dangerous nuclear arms race in the Middle East. We must not allow this to happen.

I strongly support the legislation before us today. H.R. 1327, the Iran Sanctions Enabling Act, would allow state and local governments to divest the assets of their pension funds and any other funds under their control from companies investing $20 million or more in Iran's energy sector. By allowing states and local governments to withdraw their investments in companies doing business in Iran, we can increase pressure on the Iranian regime to change course and abandon its pursuit of nuclear weapons. Only when Iran feels pressured, is it likely to make concessions.

Unfortunately, the leaders of Iran seem to feel fairly secure despite all the talk of tough sanctions. On Friday, October 9, Ayatollah Ahmad Khatami, a member of Iran's Assembly of Experts, said the October 1 talks between Iran, the U.S. and other world powers were a "great victory" for Iran, suggesting Iran had been successful in putting off any sanctions.

By passing this legislation today, though, Congress can send Iran a clear and powerful message. While the President and other world leaders gauge whether Iran is truly serious about complying with its obligations, Congress will back the negotiations with sanctions to show Iran that it must act in good faith and not delay as it usually does.

Passage of this legislation is important, but it is only the beginning of what needs to be done to address the Iranian nuclear threat. Congress must pass additional legislation, including H.R. 2194, the Iran Refined Petroleum Sanctions Act, to put sufficient pressure on Iran to fully suspend all enrichment and work on its nuclear program.

No government that calls for the complete destruction of another should be allowed to have nuclear weapons. The Iran Sanctions Enabling Act is a first step to take in order to prevent Iran's leaders from acquiring the means to do what they say they will.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 1327, the Iran Sanctions Enabling Act of 2009, and I commend my friend Mr. FRANK for his leadership on this important issue.

This bill will allow state and local governments and educational institutions to divest from companies that invest $20 million or more in Iran's energy sector. I am hopeful that the threat of divestment will persuade companies not to do business with Iran, and that this additional economic pressure will help deter Iran from pursuing a nuclear weapons capability or supporting terrorism.

Several states and localities have already begun the process of divestment, and I expect that a divestment bill will soon be introduced in the state legislature in my home state of California. The legislation before us, H.R. 1327, will provide federal legal protection for these actions, allowing them, in the case of Iran, to place their moral sensibilities ahead of their fiduciary responsibilities. As such, this is not a sanctions bill per se—it creates no new sanctions on Iran or on companies that invest in Iran.

The reasons that states and localities divest may vary—whether in response to Iran's pursuit of nuclear weapons, its support for terrorism, its abysmal disregard for human rights, or its fraudulent elections and their brutal aftermath. The timing of this bill, just a few short months after the elections and the subsequent crackdown—and in the midst of the ongoing crisis of regime legitimacy—certainly makes it an appropriate response to those ugly events.

I strongly support this legislation, and I urge all my colleagues to do likewise.

Mr. VAN HOLLEN. Mr. Speaker, earlier this month, Iran admitted the existence of a secret enrichment facility in the holy city of Qom. This development has set in motion a renewed commitment on the part of the international community to pursue more aggressive penalties against Iran for its nuclear enrichment activities. Today, as Secretary of State Hilary Clinton arrives in Moscow to solicit Russian support for more stringent sanctions against Iran, the U.S. House of Representatives considers legislation that will enable ordinary Americans to express their opposition to Iran's illegal nuclear activities.

The Iran Sanctions Enabling Act of 2009 helps to weaken Iran's vital petroleum industry by cutting off its access to global investment. The legislation enables State and local governments to divest from entities that invest more than $20 million in Iran's energy sector. Though Iran possesses large oil reserves, it has little refining capacity and the lack of refined petroleum products has often been a source of tension between its government and its people.

It is clear that arresting Iran's illegal nuclear enrichment program will require a comprehensive approach that targets Iran's important energy sector, truncates its access to the global financial system and engages its people. This legislation can help to achieve these goals. I encourage my colleagues to join me in support of this bill.

Mr. MCMAHON. Mr. Speaker, Iran's nuclear program has been an issue of serious concern for the international community since the Islamic Revolution of 1979.

Since that time, Iran has been steadily advancing towards the nuclear threshold necessary to develop nuclear weaponry.

Ahmadinejad already has 8,000 centrifuges that have produced enough uranium to build two nuclear weapons and the International Atomic Energy Agency, IAEA, has evidence of an Iranian uranium enrichment program coupled with explosives testing and development of devices to fire nuclear weapons.

Furthermore, every day Iran's nuclear stockpile grows by 4½ pounds.

It would be an absolute disaster for the United States and its allies if Iran enriched uranium even further.

Israel, in particular, sees the face of Iran's blind aggression every day.

Iran has not only threatened the very existence of the one true democracy in the Middle East, but encourages other hostile governments to do the same through a complex network of nuclear and arms cooperation.

Given these facts and undoubtedly an immeasurable amount of undisclosed information, the United States finds itself at a crossroads.

Negotiations with the Iranians will conclude in Vienna on October 19.

But, recent revelations of a previously undisclosed nuclear facility, not to mention the increasingly atrocious treatment of opposition supporters, have illustrated that unfortunately, Iran has already failed the test and it is time for Plan B.

For this reason, I commend the House on the passage of the Iran Sanctions Act, H.R. 1327, a bill which I am a proud cosponsor of.

The future of nuclear nonproliferation, international security and the well-being of young Iranians lies in the administration's ability to steer Iran away from it dangerous ambitions.

Fortunately, H.R. 1327 opens the door to this diversion by uniquely complementing the administration's forward-thinking strategy of dialogue with strict credit sanctions.

Sans sanctions, engagement can be and historically has been manipulated by Iran as a mere tactic for delay.

Without the foreign capital investments to modernize its petroleum infrastructure, Ahmadinejad will soon have no choice but to change course.

I would like to conclude by noting that Iran's deficient refining capacity calls for targeted sanctions on refined petroleum and increased international cooperation to enforce these measures with our partners in the EU, Russia and China.

The threat from Iran demands an effective policy response—and our European allies are well-placed to formulate one.

Germany, for example, has already taken notable steps to reduce its business with Iran.

But despite a 90 percent decline between 2006 and 2008 in the German Government's issuance of export credit guarantees to Iran, exports to Iran have increased.

These sorts of disturbing trends coupled with Iran's thriving black market, underpin the premise that more must be done to curtail foreign investment and ultimately, Iran's nuclear weapons pursuit.

Mr. Speaker, I look forward to working with both my colleagues in the House and the Foreign Affairs Committee to increase the administration's options when dealing with Iran.

Once again, the passage of the Iran Sanctions Act is a momentous step towards not only effectively dealing with Iran, but towards replacing a troubling network of nuclear cooperation with a newfound movement towards international cooperation for the sake of world peace.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 1327, 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. FRANK of Massachusetts. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PRICE of North Carolina (during consideration of H.R. 1327) submitted the following conference report and statement on the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes:

CONFERENCE REPORT (H. REPT. 111–298)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $147,818,000: Provided, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: Provided further, That $15,000,000 shall not be available for obligation for the Office of Policy until the Secretary submits an expenditure plan for the Office of Policy for fiscal year 2010: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $254,190,000, of which not less than $1,000,000 shall be for logistics training; and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this

heading, $5,500,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $60,530,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts: Provided, That of the total amount made available under this heading, $5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report OIG–09–72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $338,393,000; of which $86,912,000 shall be available for salaries and expenses; and of which $251,481,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That of the total amount appropriated, not less than $82,788,000 shall be available for data center development, of which not less than $38,540,145 shall be available for power capabilities upgrades at Data Center One (National Center for Critical Information Processing and Storage): Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $335,030,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $190,862,000 shall remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation or any follow-on entity until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on operations of the National Immigration Information Sharing Operation or any follow-on entity pursuant to section 503 of this Act.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $2,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $113,874,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,064,713,000, of which $3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not more than $800,000 shall be for procurement of portable solar charging rechargeable battery systems: Provided, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That of the total amount provided, $1,700,000 shall remain available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $422,445,000, to remain available until expended, of which not less than $227,960,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $50,000,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $800,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, $75,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of tactical infrastructure and technology, that includes—

(1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life-cycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

(6) a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address such recommendations;

(8) a certification by the Chief Procurement Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that—

(A) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7;

(B) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these

risks, and the status of the implementation of such actions; and

(C) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program and all contracts under such program, including the exercise of technical oversight;

(9) a certification by the Chief Information Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications that—

(A) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas;

(B) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life-cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; and

(C) an independent verification and validation agent is currently under contract for the projects funded under this heading;

(10) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative; and

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, including cost, level of operational control, possible unintended effects on communities, and other factors critical to the decisionmaking process:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress of the program, and obligations and expenditures for all outstanding task orders, as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations, at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than $25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: Provided further, That none of the funds made available under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That none of the funds made available under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $519,826,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $319,570,000, to remain available until expended; of which $39,700,000 shall be for constructing and equipping the Advanced Training Center; and of which not more than $3,500,000 shall be for acquisition, design, and construction of U.S. Customs and Border Protection Air and Marine facilities at El Paso International Airport, Texas: Provided, That for fiscal year 2011 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ''Construction and Facilities Management'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,342,134,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than $1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $200,000,000 shall remain available until September 30, 2011: Provided further, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make that progress: Provided further, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010: Provided further, That of the total amount provided, not less than $2,545,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, $7,300,000 shall remain available until September 30, 2011, for the Visa Security Program: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: Provided further, That none of the funds provided under this heading may be obligated to collocate field offices of U.S. Immigration and Customs Enforcement until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the nationwide implementation of the Alternatives to Detention Program that identifies: (1) the funds required for nationwide program implementation; (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program.

AUTOMATION MODERNIZATION

(INCLUDING TRANSFER OF FUNDS)

For expenses of immigration and customs enforcement automated systems, $90,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $10,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security: Provided further, That of the total amount provided under this heading, up to $10,000,000 may be transferred to U.S. Immigration and Customs Enforcement ''Salaries and Expenses'' account for data center migration.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $4,818,000, to remain available until expended: Provided, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,214,040,000, to remain available until September 30, 2011, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $4,358,076,000 shall be for screening operations, of which $1,116,406,000 shall be available for explosives detection systems; and not to exceed $855,964,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, $778,300,000 shall be available for the purchase and installation of these systems, of which not less than 28 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That of the total amount provided, $1,250,000 shall be made available for Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improvised explosive recognition training: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,114,040,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $110,516,000, to remain available until September 30, 2011.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $171,999,000, to remain available until September 30, 2011.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $1,001,780,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $860,111,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $26,000,000; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,805,391,000, of which $581,503,000 shall be for defense-related activities, of which $241,503,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses; and of which $3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108–136 with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, $50,000,000 shall be withheld from obligation for Headquarters Directorates until: (1) the fiscal year 2010 second quarter acquisition report required by Public Law 108–7 and the fiscal year 2008 joint explanatory statement accompanying Public Law 110–161; (2) the Revised Deepwater Implementation Plan; and (3) the future-years capital investment plan for fiscal years 2011–2015 are received by the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,198,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $133,632,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,537,080,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $121,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $129,500,000 shall be available until September 30, 2012, for other equipment; of which $27,100,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities, including not less than $300,000 for the Coast Guard Academy Pier and not less than $16,800,000 for Coast Guard Station Cleveland Harbor; of which $105,200,000 shall be available for personnel compensation and benefits and related costs; and of which $1,154,280,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: Provided, That of the funds made available for the Integrated Deepwater Systems program, $269,000,000 is for aircraft and $730,680,000 is for surface ships: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of such legacy assets; a detailed explanation of how the costs of such legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the fiscal year 2011 budget request, a comprehensive review of the Revised Deepwater Implementation Plan, and every 5 years thereafter, that includes a complete projection of the acquisition costs and schedule for the duration of the plan: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2010.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $4,000,000, to remain available until expended: Provided, That of the amounts made available under this heading, $4,000,000 shall be for the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $24,745,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,361,245,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,478,669,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to $18,000,000 for protective travel shall remain available until September 30, 2011: Provided further, That up to $1,000,000 for National Special Security Events shall remain available until expended: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, $33,960,000, to remain available until expended, is for information technology modernization: Provided further, That none of the funds made available in the preceding proviso shall be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for such modernization are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,975,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $44,577,000: Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $899,416,000, of which $760,155,000 shall remain available until September 30, 2011: Provided, That of the amount made available under this heading, $161,815,000 may not be obligated for the National Cyber Security Division program and $12,500,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for each of these programs that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated to achieving each of those goals and milestones: Provided further, That of the total amount provided, no less than: $20,000,000 is for the National Infrastructure Simulation and Analysis Center; $1,000,000 is for Philadelphia infrastructure monitoring; $3,500,000 is for State and local cyber security training; $3,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory; $3,500,000 is for the Cyber Security Test Bed and Evaluation Center; $3,000,000 is for the Multi-State Information Sharing and Analysis Center; $500,000 is for the Virginia Operational Integration Cyber Center of Excellence; $100,000 is for the Upstate New York Cyber Initiative; and $1,000,000 is for interoperable communications, technical assistance, and outreach programs.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff'').

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $373,762,000, to remain available until expended: Provided, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United

States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act that meets the statutory conditions specified under this heading in Public Law 110–329: Provided further, That not less than $28,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $139,250,000, of which $30,411,000 is for salaries and expenses: Provided, That $108,839,000 shall remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, including $5,000,000 for the North Carolina Collaboratory for Bio-Preparedness, University of North Carolina, Chapel Hill: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $797,650,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, not to exceed $36,300,000 shall remain available until September 30, 2011, for capital improvements at the Mount Weather Emergency Operations Center: Provided further, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,995,000 shall be for the Office of National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,015,200,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden: Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2010, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $19,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) $41,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) $13,000,000 shall be for the Citizen Corps Program.

(6) $300,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163), of which not less than $20,000,000 shall be for Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(7) $300,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

(8) $12,000,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1182).

(9) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(10) $50,000,000 shall be for the Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(11) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(12) $60,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) to remain available until expended, of which no less than the amount specified for each Emergency Operations Center shall be provided as follows: $500,000, Benton County Emergency Management Commission, Iowa; $100,000, Brazoria County Emergency Management, Texas; $800,000, Butte-Silver Bow, Montana; $338,000, Calvert County Department of Public Safety, Maryland; $425,000, City of Alamosa Fire Department, Colorado; $600,000, City of Ames, Iowa; $250,000, City of Boerne, Texas; $500,000, City of Brawley, California; $300,000, City of Brigantine, New Jersey; $350,000, City of Brookings, Oregon; $1,000,000, City of Chicago, Illinois; $1,000,000, City of Commerce, California; $300,000, City of Cupertino, California; $1,000,000, City of Detroit, Michigan; $750,000, City of Elk Grove, California; $400,000, City of Green Cove Springs, Florida; $600,000, City of Greenville, North Carolina; $300,000, City of Hackensack, New Jersey; $800,000, City of Hartford, Connecticut; $250,000, City of Hopewell, Virginia; $254,500, City of La Habra, California; $600,000, City of Las Vegas, Nevada; $750,000, City of Lauderdale Lakes, Florida; $750,000, City of Minneapolis, Minnesota; $375,000, City of Monterey Park, California; $400,000, City of Moreno Valley, California; $1,000,000, City of Mount Vernon, New York; $1,000,000, City of Newark, New Jersey; $900,000, City of North Little Rock, Arkansas; $350,000, City of Palm Coast, Florida; $750,000, City of Port Gibson, Mississippi; $500,000, City of Scottsdale, Arizona; $750,000, City of Sunrise, Florida; $500,000, City of Tavares, Florida; $400,000, City of Torrington, Connecticut; $900,000, City of Whitefish, Montana; $500,000, City of Whittier, California; $500,000, City of Wichita, Kansas; $500,000, Columbia County, Oregon; $500,000, County of Union, New Jersey; $400,000, Dorchester County, South Carolina; $200,000, Fulton County (Atlanta) Emergency Management Agency, Georgia; $250,000, Howell County Emergency Preparedness, Missouri; $500,000, Jackson County Sheriff's Office, Missouri; $750,000, Johnson County, Texas; $500,000, Kentucky Emergency Management, Kentucky; $800,000, Lake County, Florida; $600,000, Lea County, New Mexico; $1,000,000, Lincoln County, Washington; $250,000, Lycoming County, Pennsylvania; $250,000, Macomb County Emergency Management and Communications, Michigan; $300,000, Mercer County Emergency Management Agency, Kentucky; $1,000,000, Middle Rio Grande Development Council, Texas; $250,000, Minooka Fire Protection District, Illinois; $800,000, Mobile County Commission, Alabama; $200,000, Monroe County, Florida; $1,000,000, Morris County, New Jersey Office of Emergency Management, New Jersey; $750,000, New Orleans Emergency Medical Services, Louisiana; $1,000,000, North Carolina Office of Emergency Management, North Carolina; $500,000, North Hudson Regional Fire and Rescue, New Jersey; $980,000, North Louisiana Regional, Lincoln Parish, Louisiana; $1,500,000, Ohio Emergency Management Agency, Columbus, Ohio; $250,000, Passaic County Prosecutor's Office, New Jersey; $980,000, City of Providence, Rhode Island; $800,000, San Francisco Department of Emergency Management, California; $300,000, Sarasota County, Florida; $650,000, Scotland County, North Carolina; $500,000, Somerset County, Maine; $1,500,000, State of Maryland, Maryland; $158,000, City of Maitland, Florida; $500,000, Tohono O'odham Nation; $75,000, Towamencin Township, Pennsylvania; $275,000, Town of Harrison, New York; $500,000, Town of Shorter, Alabama; $750,000, Township of Irvington, New Jersey; $500,000, Township of Old Bridge, New Jersey; $247,000, Township of South Orange Village, South Orange, New Jersey; $500,000, Upper Darby Township Police Department, Pennsylvania; $165,000, Village of Elmsford, New York; $350,000, Washington Parish Government, Louisiana; $900,000, Westmoreland County Department of Public Safety, Pennsylvania; $1,000,000, Williamsburg County, South Carolina; and $20,000, Winston County Commission, Alabama.

(13) $267,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $164,500,000 shall be for the National Domestic Preparedness Consortium in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness; $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; $5,000,000 shall be for the Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; $5,000,000 shall be for surface transportation emergency preparedness and response training to be awarded under full and open competition;

(B) $1,700,000 shall be for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont; and

(C) $3,000,000 shall be for the Rural Domestic Preparedness Consortium, Eastern Kentucky University:

Provided, That 4 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (6) through (11), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: Provided further, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: Provided further, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, and (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $810,000,000, of which $390,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2011: Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $340,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,588,000.

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,600,000,000, to remain available until expended: Provided, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: Provided further, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: Provided further, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided further, That $105,600,000 shall be transferred to Federal Emergency Management Agency ''Management and Administration'' for management and administration functions: Provided further, That the amount provided in the previous proviso shall not be available for transfer to ''Management and Administration'' until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Federal Emergency Management Agency shall submit the monthly ''Disaster Relief'' report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: Provided further, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $146,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed $38,680,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $107,320,000 for flood plain management and flood mapping, which shall remain available until September 30, 2011: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $85,000,000 for operating expenses; (2) $969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $120,000,000, which shall remain available until expended for flood mitigation actions, of which $70,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): Provided further, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)–(3): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $100,000,000, to remain available until expended and to be obligated as detailed in

the joint explanatory statement accompanying this Act: Provided, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $200,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $224,000,000, of which $50,000,000 is for processing applications for asylum or refugee status; of which $5,000,000 is for the processing of military naturalization applications; and of which $137,000,000 is for the basic pilot program (E-Verify Program), as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That of the amounts made available for the basic pilot program (E-Verify Program), $30,000,000 shall remain available until September 30, 2011: Provided further, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: Provided further, That none of the funds made available under this heading may be obligated for processing applications for asylum or refugee status unless the Secretary of Homeland Security has published a final rule updating part 103 of title 8, Code of Federal Regulations, to discontinue the asylum/refugee surcharge: Provided further, That none of the funds made available under this heading may be obligated for development of the ''REAL ID hub'' until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure for that program that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated for achieving each of these goals and milestones: Provided further, That none of the funds made available in this Act for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $239,356,000, of which up to $47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–329 (122 Stat. 3677), is further amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'': Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $43,456,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $143,200,000: Provided, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $863,271,000, of which $713,083,000, to remain available until September 30, 2012; and of which $150,188,000, to remain available until September 30, 2014, solely for Laboratory Facilities: Provided, That not less than $20,865,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: Provided further, That not less than $3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decisionmaking Exercises: Provided further, That not less than $12,000,000 shall be for construction expenses of the Pacific Northwest National Laboratory: Provided further, That not less than $2,000,000 shall be for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative: Provided further, That not less than $10,000,000 shall be available for the National Institute for Hometown Security, Kentucky: Provided further, That not less than $2,000,000 shall be available for the Naval Postgraduate School: Provided further, That not less than $1,000,000 shall be available to continue a homeland security research, development, and manufacturing pilot project: Provided further, That not less than $500,000 shall be available for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies: Provided further, That not less than $4,000,000 shall be available for a pilot program to develop a replicable port security system that would improve maritime domain awareness: Provided further, That $32,000,000 shall be for the National Bio- and Agro-defense Facility, of which up to $2,000,000 may be obligated for the National Academy of Sciences to complete the Letter Report required in section 560 (b) of this Act.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) as amended, for management and administration of programs and activities, $38,500,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $324,537,000, to remain available until September 30, 2012.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $20,000,000, to remain available until September 30, 2012: Provided, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: Provided further, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the

Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, Other Transaction Agreement, a task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: Provided further, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under ''State and Local Programs''.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 522, 528, 530, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2072, 2073, 2074, 2082) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 514. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement of section 44901(g)(2)(B) of title 49 is met.

(b) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

(c) Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report on how the Transportation Security Administration plans to meet the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code. The report shall identify the elements of the system to screen 100 percent of cargo transported between domestic airports at a level of security commensurate with the level of security for the screening of passenger checked baggage.

SEC. 515. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' for fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 518. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by section 9701(a) of title 5, United States Code, or by regulations prescribed pursuant to such section, for an employee, as that term is defined in section 7103(a)(2) of such title.

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in section 9701(e) of title 5, United States Code, in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in section 7103(a)(2) of such title.

SEC. 519. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2009'' and inserting ''2010''.

SEC. 520. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 521. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 5, 2010.

SEC. 522. Except as provided in paragraphs (1) and (2) of this section, none of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official, or any successor position, for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies—

(1) The Secretary of Homeland Security may waive the application of this section provided that any field position appointed pursuant to this waiver shall not hold the title of Principal Federal Official, shall functionally report through the Federal Coordinating Officer appointed under section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143), and shall be subject to the provisions of subsection (c) of section 319 of title 6, United States Code. The Secretary may not delegate the authority to grant such a waiver.

(2) Not later than 10 business days after the date on which the Secretary of Homeland Security issues a waiver under this section, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate explaining the circumstances necessitating the waiver, describing the specific role of any officials appointed pursuant to the waiver, and outlining measures taken to ensure compliance with subsection (c) of section 319 and subsections (c)(3) and (c)(4)(A) of section 313 of title 6, United States Code.

SEC. 523. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 526. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 527. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 528. None of the funds provided in this Act under the heading ''Office of the Chief Information Officer'' shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 529. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 531. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2009'' and inserting ''Until September 30, 2010,''; and

(2) in subsection (d)(1), by striking ''September 30, 2009,'' and inserting ''September 30, 2010,''.

SEC. 532. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 533. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program (E-Verify Program) under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 534. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 535. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 536. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 537. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 538. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program (E-Verify Program) under section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees

on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 539. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 540. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio- and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall have the Administrator of General Services sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: Provided, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price or $5,000,000, whichever is greater: Provided further, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 541. The explanatory statement referenced in section 4 of Public Law 110–161 for ''National Predisaster Mitigation Fund'' under Federal Emergency Management Agency is deemed to be amended—

(1) by striking ''Dalton Fire District'' and all that follows through ''750,000'' and inserting the following:

''Franklin Regional Council of Governments, MA	*250,000*
Town of Lanesborough, MA	*175,000*
University of Massachusetts, MA	*175,000'';*

(2) by striking ''Santee and'';

(3) by striking ''3,000,000'' and inserting ''1,500,000'';

(4) by inserting after the item relating to Adjutant General's Office of Emergency Preparedness the following:

Town of Branchville, SC ..... 1,500,000'';

and

(5) by striking ''Public Works Department of the City of Santa Cruz, CA'' and inserting ''Monterey County Water Resources Agency, CA''.

SEC. 542. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 543. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 544. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aircraft systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 545. From unobligated amounts that are available to the Coast Guard for fiscal year 2008 or 2009 for ''Acquisition, Construction, and Improvements'' for shoreside facilities and aids to navigation at Coast Guard Sector Buffalo, the Secretary of Homeland Security shall use such sums as may be necessary to make improvements to the land along the northern portion of Sector Buffalo to enhance public access to the Buffalo Lighthouse and the waterfront.

SEC. 546. For fiscal year 2010 and thereafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.).

SEC. 547. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''at the end of the 11-year period beginning on the first day the pilot program is in effect.'' and inserting ''on September 30, 2012.''.

SEC. 548. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking ''for 15 years'' and inserting ''until September 30, 2012''.

SEC. 549. (a) In addition to collection of registration fees described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(B)), fees for fingerprinting services, biometric services, and other necessary services may be collected when administering the program described in section 244 of such Act.

(b) Subsection (a) shall be construed to apply for fiscal year 1998 and each fiscal year thereafter.

SEC. 550. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking ''three years after the date of enactment of this Act'' and inserting ''on October 4, 2010''.

SEC. 551. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking ''basic pilot program'' each place that term appears and inserting ''E-Verify Program''.

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking ''Basic Pilot'' and inserting ''E-Verify''.

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''under a pilot program'' and inserting ''under this subtitle''.

SEC. 5. 552. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into 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 other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into 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 purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into 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 prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

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

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

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

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State 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 of 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 the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States or any of the United States territories, parole into the United States or any of the United States territories (other than parole for the purposes of prosecution and related detention), or classification as a refugee or applicant for asylum) to any individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba.

(g) In this section, the term ''freely associated States'' means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(h) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

SEC. 553. Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

''(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.''.

SEC. 554. For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: Provided, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year, and shall report annually thereafter.

SEC. 555. For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j) a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 556. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 557. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 558. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 559. (a) Subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be available to operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if:

(1) the Commandant of the Coast Guard certifies that the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Secretary of Homeland Security certifies that the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or to meet any other Federal navigation requirement.

(c) If the certifications described in subsection (b) are made, the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications pursuant to subsection (b), the Commandant shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the certifications described in subsection (b) are made, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard: Provided, That the proceeds, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard ''Environmental Compliance and Restoration'' account and, subject to appropriation, shall be available until expended for environmental compliance and restoration purposes associated with the Loran-C system, for the costs of securing and maintaining equipment that may be used as a backup to the Global Positioning System or to meet any other Federal navigation requirement, for the demolition of improvements on such real property, and for the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration: Provided further, That after the completion of such activities, the unexpended balances shall be available for any other environmental compliance and restoration activities of the Coast Guard.

SEC. 560. (a) None of the funds made available by this Act may be obligated for construction of the National Bio- and Agro-defense Facility on the United States mainland until 30 days after the later of:

(1) the date on which the Secretary of Homeland Security submits to the Committee on Appropriations of the Senate and the House of Representatives a site-specific bio-safety and bio-security mitigation risk assessment, which includes an integrated set of analyses using plume modeling and epidemiologic impact modeling, to determine the requirements necessary to ensure safe operation of the National Bio- and Agro-defense Facility at the approved Manhattan, Kansas, site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 11, and the results of the National Academy of Sciences' review of the risk assessment as described in paragraph (b): Provided, That the integrated set of analyses is to determine the extent of the dispersion of the foot-and-mouth virus following a potential laboratory spill, the potential spread of foot-and-mouth disease in the surrounding susceptible animal population, and its economic impact: Provided further, That the integrated set of analyses should also take into account specific local, State, and national risk mitigation strategies; or

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committees on Appropriations of the Senate and the House of Representatives a report that:

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110–246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

(b) With regard to the integrated set of analyses included in the mitigation risk assessment required under paragraph (a)(1), the Secretary of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the mitigation risk assessment required by subsection (a)(1) of this section and to submit a Letter Report: Provided, That such contract shall be entered into within 90 days from the date of enactment of this Act, and the National Academy of Sciences shall complete its assessment and submit its Letter Report within four months after the date the Department of Homeland Security concludes the risk assessment.

SEC. 561. (a) SHORT TITLE.—This section may be cited as the ''American Communities' Right to Public Information Act''.

(b) IN GENERAL.—Section 70103(d) of title 46, United States Code, is amended to read as follows:

''(d) NONDISCLOSURE OF INFORMATION.—

''(1) IN GENERAL.—Information developed under this section or sections 70102, 70104, and 70108 is not required to be disclosed to the public, including—

''(A) facility security plans, vessel security plans, and port vulnerability assessments; and

''(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this section or sections 70102, 70104, and 70108.

''(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation

of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

''(4) LIMITATIONS.—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

''(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

SEC. 562. Section 4 of the Act entitled ''An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes'' (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or'' and

(3) by adding at the end the following:

''(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.''.

SEC. 563. (a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''(or in the case of a governmental entity located in such State, paid)'' after ''received, or reserved''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''nondepository institution operating in such State'' and inserting ''governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State'';

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding ''and'' at the end;

(II) in item (bb), by striking '', to facilitate'' and all that follows through ''2009''; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

''(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;''; and

(D) by inserting after clause (i) the following:

''(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and''.

(b) RULE OF CONSTRUCTION.—Section 44(f)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking ''No provision'' and inserting the following:

''(A) IN GENERAL.—No provision''; and

(3) by adding at the end the following:

''(B) APPLICABILITY.—This subsection shall be construed to apply to any loan or discount made, or note, bill of exchange, financing transaction, or other evidence of debt, originated by an insured depository institution, a governmental entity located in such State, or a person that is not a depository institution described in subparagraph (A) doing business in such State.''.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SEC. 564. (a) SHORT TITLE.—This section may be cited as the ''OPEN FOIA Act of 2009''.

(b) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

SEC. 565. (a) SHORT TITLE.—This section may be cited as the ''Protected National Security Documents Act of 2009''.

(b) Notwithstanding any other provision of the law to the contrary, no protected document, as defined in subsection (c), shall be subject to disclosure under section 552 of title 5, United States Code or any proceeding under that section.

(c) DEFINITIONS.—In this section:

(1) PROTECTED DOCUMENT.—The term ''protected document'' means any record—

(A) for which the Secretary of Defense has issued a certification, as described in subsection (d), stating that disclosure of that record would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States; and

(B) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States.

(2) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(d) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (c)(1), the Secretary of Defense shall issue a certification if the Secretary of Defense determines that disclosure of that photograph would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification and a renewal of a certification issued pursuant to subsection (d)(3) shall expire 3 years after the date on which the certification or renewal, is issued by the Secretary of Defense.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(A) a renewal of a certification at any time; and

(B) more than 1 renewal of a certification.

(4) NOTICE TO CONGRESS.—The Secretary of Defense shall provide Congress a timely notice of the Secretary's issuance of a certification and of a renewal of a certification.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the voluntary disclosure of a protected document.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any protected document.

SEC. 566. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 567. (a) IN GENERAL.—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems''; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations,'';

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the ''Assistant Secretary'').

(b) CERTIFICATION.—The Assistant Secretary shall require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1–3) with a description of the procedures used to comply with such standards.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by paragraph (a)(1–3).

SEC. 568. (a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM AND OTHER IMMIGRATION PROGRAMS.—

(1) EXTENSION.—Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are

amended by striking ''September 30, 2009,'' each place such term appears and inserting ''September 30, 2012,''.

(2) STUDY AND PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by United States Citizenship and Immigration Services to improve the integrity of the program.

(3) PROGRESS REPORT.—Not later than 240 days after the submission of the report under paragraph (2), the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in implementing the plan described in clause (a)(2)(B) of this section.

(b) CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(c) RELIEF FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking ''for at least 2 years at the time of the citizen's death''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(I) the alien's United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(III) the alien has not remarried.

(d) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

''(1) IN GENERAL.—An alien described in paragraph (2) who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States shall have such petition described in paragraph (2), or an application for adjustment of status to that of a person admitted for lawful permanent residence based upon the family relationship described in paragraph (2), and any related applications, adjudicated notwithstanding the death of the qualifying relative, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

''(A) the beneficiary of a pending or approved petition for classification as an immediate relative (as described in section 201(b)(2)(A)(i));

''(B) the beneficiary of a pending or approved petition for classification under section 203 (a) or (d);

''(C) a derivative beneficiary of a pending or approved petition for classification under section 203(b) (as described in section 203(d));

''(D) the beneficiary of a pending or approved refugee/asylee relative petition under section 207 or 208;

''(E) an alien admitted in 'T' nonimmigrant status as described in section 101(a)(15)(T)(ii) or in 'U' nonimmigrant status as described in section 101(a)(15)(U)(ii); or

''(F) an asylee (as described in section 208(b)(3)).''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment.

(e) CONFORMING AMENDMENT TO AFFIDAVIT OF SUPPORT REQUIREMENT.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(5)) is amended by striking clauses (i) and (ii) and inserting:

''(i) the individual petitioning under section 204 of this Act for the classification of such alien died after the approval of such petition, and the Secretary of Homeland Security has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate; or

''(ii) the alien's petition is being adjudicated pursuant to section 204(l) (surviving relative consideration).''.

SEC. 569. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 571. (a) Funds made available by this Act solely for data center migration may be transferred by the Secretary between appropriations for the same purpose, notwithstanding section 503 of this Act.

(b) No transfer described in (a) shall occur until 15 days after the Committees on Appropriations of the Senate and the House and Representatives are notified of such transfer.

SEC. 572. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–157) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 573. From unobligated balances for fiscal year 2009 made available for Federal Emergency Management Agency ''Trucking Industry Security Grants'', $5,572,000 are rescinded.

SEC. 574. From the unobligated balances of prior year appropriations made available for ''Analysis and Operations'', $2,358,000 are rescinded.

SEC. 575. From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate ''Infrastructure Protection and Information Security'', $8,000,000 are rescinded.

SEC. 576. From the unobligated balances of prior year appropriations made available for Science and Technology ''Research, Development, Acquisition, and Operations'', $6,944,148 are rescinded.

SEC. 577. From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office ''Research, Development, and Operations'', $8,000,000 are rescinded.

SEC. 578. From the unobligated balances of prior year appropriations made available for Transportation Security Administration ''Research and Development'', $4,000,000 are rescinded.

SEC. 579. From the unobligated balances of prior year appropriations made available for Coast Guard ''Acquisition, Construction, and Improvements'', $800,000 are rescinded: Provided, That these rescissions shall be taken from completed projects.

SEC. 580. Of the amounts available under the heading ''Counterterrorism Fund'', $5,600,000 are rescinded.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2010''.

And the Senate agree to the same.

DAVID R. OBEY,
DAVID E. PRICE,
JOSÉ E. SERRANO,
CIRO D. RODRIGUEZ,
C.A. DUTCH RUPPERSBERGER,
ALAN B. MOLLOHAN,
NITA M. LOWEY,
LUCILLE ROYBAL-ALLARD,
SAM FARR,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY (with a reservation on the EB–5 agreement),
BARBARA A. MIKULSKI,
PATTY MURRAY,
MARY L. LANDRIEU,
FRANK R. LAUTENBERG,
JON TESTER,
ARLEN SPECTER,
GEORGE V. VOINOVICH,
THAD COCHRAN,
JUDD GREGG,
RICHARD C. SHELBY,
SAM BROWNBACK,
LISA MURKOWSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security (DHS) for the fiscal year ending September 30, 2010, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

The language and allocations contained in House Report 111–157 and Senate Report 111–

31 should be complied with unless specifically addressed to the contrary in the conference report and joint explanatory statement. While repeating some report language for emphasis, this joint explanatory statement does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint explanatory statement, the Committees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly.

When this joint explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Appropriations Subcommittee on Homeland Security and the Senate Appropriations Subcommittee on the Department of Homeland Security.

Any reference to the Secretary shall be interpreted to mean the Secretary of Homeland Security; any reference to a Departmental component shall be interpreted to mean directorates, components, agencies, offices, or other organizations in the Department of Homeland Security; any reference to ''full-time equivalents'' shall be referred to as FTE; and any reference to ''program, project, and activity'' shall be referred to as PPA.

Finally, this joint explanatory statement refers to certain laws and organizations as follows: Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, is referenced as the 9/11 Act; Security And Accountability For Every Port Act of 2006, Public Law 109–347, is referenced as the SAFE Port Act; the American Recovery and Reinvestment Act of 2009, Public Law 111–5, is referenced as ARRA; the Department of Homeland Security is referenced as DHS; the Government Accountability Office is referenced as GAO; and the Office of Inspector General of the Department of Homeland Security is referenced as the IG.

Classified Programs

Recommended adjustments to classified programs are addressed in a classified annex accompanying this joint explanatory statement. The DHS Office of the Chief Financial Officer is directed to ensure the material contained in this annex is appropriately disseminated to the relevant Departmental components.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

Departmental Operations

The conference agreement provides a total of $1,135,961,000 for Departmental Operations, 17 percent above the fiscal year 2009 enacted level (excluding ARRA funding) to address well documented shortfalls and challenges facing the Department's management components. Significant increases above last year's enacted level are provided to strengthen policy development and coordination, enhance procurement oversight, modernize financial and information technology systems, and accelerate the process of bringing qualified new staff on board. It is imperative that these resources be used effectively to manage the Department's many missions. It is also critical that the Department end its overreliance on contractors and develop the government staff and expertise necessary to perform these services.

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The conference agreement provides $147,818,000 for the Office of the Secretary and Executive Management instead of $117,727,000 as proposed by the House and $149,268,000 as proposed by the Senate.

Reductions are made to the budget request due to delays in filling full-time permanent positions and high unexpended balances from previously appropriated funds within certain offices. Funding shall be allocated as follows:

Immediate Office of the Secretary	$5,061,000
Immediate Office of the Deputy Secretary	1,810,000
Chief of Staff	2,595,000
Office of Counternarcotics Enforcement	3,612,000
Executive Secretary	7,800,000
Office of Policy	51,564,000
Office of Public Affairs	5,991,000
Office of Legislative Affairs	6,797,000
Office of Intergovernmental Affairs	2,800,000
Office of General Counsel	24,028,000
Office for Civil Rights and Civil Liberties	21,104,000
Citizenship and Immigration Services Ombudsman	6,685,000
Privacy Officer	7,971,000
Total	$147,818,000

Travel Costs Consolidation

The conference agreement approves the shift of $1,278,000 from other accounts to the Immediate Office of the Secretary and $370,000 from other accounts to the Immediate Office of the Deputy Secretary to pay all costs associated with the DHS's use of government aircraft in support of the Secretary's and Deputy Secretary's travel, as proposed by the Senate. Previously, components paid a portion of the total government aircraft cost for personnel traveling in support of the Secretary or Deputy Secretary. This resulted in multiple interagency agreements and an unnecessary administrative burden. The intent of this consolidation is to provide a more efficient means of disbursing payment for these costs. The conference report includes language to ensure that components are no longer charged for these costs.

Immediate Office of the Deputy Secretary

The conference agreement provides $1,810,000 for the Immediate Office of the Deputy Secretary as proposed by the Senate instead of $1,440,000 as proposed by the House. The conferees expect the Deputy Secretary and Department to follow the direction outlined in the Senate report regarding coordination of efforts to secure chemical facilities and ensure prompt and effective after-accident safety investigations, including the reporting and briefing requirements.

Office of Counternarcotics Enforcement

The conference agreement provides $3,612,000 for the Office of Counternarcotics Enforcement instead of $3,712,000 as proposed by the House and $3,718,000 as proposed by the Senate. The Office of Counternarcotics Enforcement is directed to submit a performance report on its activities to the Committees as outlined in the Senate report. The Secretary is directed to report by January 15, 2010, on whether it would be appropriate to shift the functions of this office into the Office of Policy or other Departmental office under this title.

Office of Policy

The conference agreement provides $51,564,000 for the Office of Policy as proposed by both the House and Senate. The Office of Policy is directed to provide an expenditure plan no later than 60 days after the date of enactment of this Act, as outlined in the Senate report. The conference report includes a statutory provision withholding $15,000,000 until the expenditure plan is submitted. A total of $5,000,000 is included for the integrated requirements process and the Intermodal Security Coordination Office. The conferees require a detailed explanation of how and for what purpose these funds are being allocated as part of the fiscal year 2010 expenditure plan. The conferees urge the Department to ensure this funding does not create parallel structures or needlessly duplicate existing efforts. Contractor support for both initiatives shall not exceed 25 percent.

Quadrennial Homeland Security Review

As mandated by section 2401 of the 9/11 Act, the Department is developing a Quadrennial Homeland Security Review (QHSR), including a budget plan required to carry out the findings of the review. The DHS budget should be derived from a strategic policy review that fully considers threat, risk, and mission requirements. Such a policy review should not be driven by outyear financial projections contained in the budget. Therefore, any budget projections included in the QHSR should be based on actual needs to sufficiently carry out the long-term strategy and priorities for homeland security.

Office of Intergovernmental Affairs

The conference agreement provides $2,800,000 for the Office of Intergovernmental Affairs as proposed by the House instead of $2,600,000 as proposed by the Senate. The name of this office has been modified as proposed by the Senate. This office has been moved from the Federal Emergency Management Agency as requested, and is assuming a new role. The Secretary is required to present a detailed organizational plan for the office as outlined in the House report.

Office of General Counsel

The conference agreement provides $24,028,000 for the Office of General Counsel as proposed by the House and Senate. The conferees direct the Office of General Counsel to hire an additional attorney with expertise in appropriations law within the amount made available for this office, as proposed by the Senate.

Office for Civil Rights and Civil Liberties

The conference agreement provides $21,104,000 for the Office for Civil Rights and Civil Liberties instead of $22,104,000 as proposed by the House and Senate. A small reduction below the House and Senate levels is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 percent of those balances available in fiscal year 2010. The conferees direct the office to submit an expenditure plan no later than 60 days after the date of enactment of this Act, as outlined in the Senate report.

Supporting Strategic Goals for Border Security

Since DHS was established, the Committees have consistently supported robust enforcement efforts along both the Southwest and Northern borders with substantial appropriations, consistently above annual budget requests, for each Departmental component responsible for carrying out aspects of DHS's border security and counter-smuggling missions. Targeted enhancements for fiscal year 2010 are identified under relevant sections of this statement. The conferees direct the Secretary to clearly identify requested resources that support and align with the specific goals and objectives of the National Southwest Border Counternarcotics Strategy, released on June 5, 2009, and the U.S. Customs and Border Protection's Northern Border Strategy, released on August 27, 2009, in the fiscal year 2011 congressional budget justifications for U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, Coast Guard, Intelligence and Analysis, and any other relevant Departmental components.

User Fees

The conferees direct the Secretary to report on actual fiscal year 2009 user fee collections and updated projections for fiscal year 2010 fee collections across all relevant DHS components. In addition, the Secretary shall provide a contingency plan for making up any shortfall between expected collections and budgeted amounts, by DHS component, no later than 60 days after the date of enactment of this Act, and quarterly thereafter.

Budget Justifications

The conferees direct that the congressional budget justifications for the Office of the Secretary and Executive Management for fiscal year 2011 include the same level of detail as the table contained at the end of this statement, and follow the parameters outlined in the House report, as well as the broader direction outlined under the Office of the Chief Financial Officer. Structural alterations to the fiscal year 2011 budget request, including changes to the PPA account structure for fiscal year 2010 included in the table at the end of this statement should only be made with advance consultation with the Committees.

Working Capital Fund

The Department shall follow the direction outlined in the House report regarding the Working Capital Fund (WCF) in managing WCF funds and requesting resources for fiscal year 2011.

Reception and Representation Expenses

The conferees direct the Department to submit a report to the Committees no later than 30 days after the end of each quarter of the fiscal year detailing the obligation of all DHS reception and representation expenses by all components.

Greenhouse Gas Inventory

The conferees require the Secretary to follow the House direction regarding reporting on the Department's greenhouse gas emissions and mitigation efforts.

Quarterly Detailee Report

The conferees require the Department to continue the quarterly detailee report as outlined in the Senate report.

Federally Funded Research and Development Centers

The conferees direct the Secretary to report semi-annually on the current projects tasked to Federally Funded Research and Development Centers, as outlined in the Senate report.

Lost and Stolen Passports

The Secretary is directed to submit a semi-annual report on loss and theft of passports as outlined in the Senate report.

Border Tunnels

The Secretary is directed to submit semi-annual reports on border tunnel issues as outlined in the Senate report. The conferees further direct the Department to designate a coordinator for border tunnel issues as outlined in the Senate report.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conference agreement provides $254,190,000 for the Office of the Under Secretary for Management instead of $153,790,000 as proposed by the House and $307,690,000 as proposed by the Senate. Funding shall be allocated as follows:

Immediate Office of the Under Secretary for Management	$2,864,000
Office of Security	90,193,000
Office of the Chief Procurement Officer	68,538,000
Office of the Chief Human Capital Officer	42,604,000
Salaries and Expenses (from above subtotal)	[32,604,000]
Human Resources (from above subtotal)	[10,000,000]
Office of the Chief Administrative Officer	49,991,000
Salaries and Expenses (from above subtotal)	[44,491,000]
Nebraska Avenue Complex (NAC) (from above subtotal)	[5,500,000]
Total	$254,190,000

Office of Security

The conference agreement provides $90,193,000 for the Office of Security instead of $95,193,000 as proposed by the House and $92,693,000 as proposed by the Senate. This amount includes $20,000,000 for the Homeland Security Presidential Directive–12 Card Issuance Program. The Office of Security is directed to provide a report to the Committees on this program's progress and future needs as outlined in the House report.

Office of the Chief Procurement Officer

The conference agreement provides $68,538,000 for the Office of the Chief Procurement Officer (OCPO) instead of $66,538,000 as proposed by the House and $70,038,000 as proposed by the Senate. OCPO shall submit the report to the Committees on Departmental efforts to decrease the attrition rate of DHS acquisition personnel as outlined in the House report. Furthermore, the conferees direct OCPO to provide a breakdown on where interns and graduates of the acquisition internship are serving, as outlined in the House report, to the Committees no later than 60 days after the date of enactment of this Act and on an annual basis accompanying the budget request.

The conference agreement provides $7,500,000 to create a new contracting component for classified programs. These resources are intended to fund 18 positions, the number identified by the Department as required to establish an initial operating capacity for this office.

The conference agreement provides $8,000,000 to increase capacity in the acquisition program management division. The conferees recommend that the reduction from the Administration's request come from contractor support, as outlined in the House report.

The Secretary is directed to provide a status report on major acquisitions in excess of $300,000,000 by February 15, 2010, as outlined in the Senate report, and quarterly thereafter.

Office of the Chief Human Capital Officer

The conference agreement provides $42,604,000 for the Office of the Chief Human Capital Officer (OCHCO) instead of $43,604,000 as proposed by both the House and Senate. Of this amount, $32,604,000 is for salaries and expenses and $10,000,000 is for human resources. The reduction below the House and Senate levels is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 percent of those balances available in fiscal year 2010.

The OCHCO is directed to continue providing monthly reports to the Committees summarizing vacancy data at the Department, which should include: the number of new hires for each headquarters office in the previous month; the ratio of applications received to positions closed; reports from the Office of Security on progress made to reduce the security clearance backlog to include whether the 15-day standard for suitability reviews is being met; and an end-of-the-month hiring ''snapshot'' for each headquarters office. These snapshots should include: the number of new hires pending security or suitability clearance; the number of open vacancies; and the number of selection referral lists pending with management. The conferees note that these reports have not been provided with promptness or regularity and caution that without this information it becomes difficult to justify budget increases for this office.

The conferees direct the OCHCO to provide the report on its fiscal year 2009 performance against DHS metrics outlined in the Senate report no later than 60 days after the date of enactment of this Act.

Office of the Chief Administrative Officer

The conference agreement provides $49,991,000 for the Office of the Chief Administrative Officer, instead of $60,491,000 as proposed by the House and $98,491,000 as proposed by the Senate. Within the funding level for salaries and expenses is $1,000,000 for logistics and procurement personnel from across the Department to receive training and education through LOGTECH and related programs, that have benefitted Coast Guard personnel, as proposed by the House. The Senate provided no additional funding for this activity.

Headquarters Lease Consolidation Initiative

The conference agreement provides no funding for the consolidation of headquarters leases due to an inadequate justification and budget constraints. Currently DHS headquarters are located in over 40 fragmented locations in 105 lease arrangements. The conferees direct the Department to provide a more detailed plan and justification for its lease consolidation initiative, including projected cost savings, in conjunction with the fiscal year 2011 budget request.

St. Elizabeths

The conferees direct the Department to continue periodic briefings on the St. Elizabeths headquarters consolidation project, including the Department's efforts to work with the local community and the National Capital Planning Commission to ensure issues such as parking and traffic management are properly addressed.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides $60,530,000 for the Office of the Chief Financial Officer (CFO) as proposed by the House instead of $63,530,000 as proposed by the Senate. The conferees concur with the recommendation on FTE annualization and program increases outlined in the Senate report. An additional reduction below the request is made as this office will likely lapse appropriated funds in fiscal year 2009. The conferees encourage the use of authority under section 505 of this Act making 50 percent of those balances available in fiscal year 2010. The conference report includes a statutory provision withholding $5,000,000 until the CFO submits a financial management improvement plan that addresses the recommendations outlined in IG report OIG–09–72. The CFO is to brief the Committees on the outcomes of its independent program analyses as specified in the Senate report.

Transformation and Systems Consolidation

The conference agreement provides $17,800,000 for the Transformation and Systems Consolidation (TASC) project, as proposed by the House instead of $19,200,000 as proposed by the Senate. The reduction of $2,000,000 from the budget request is due to high unobligated balances that have resulted from program delays. The conferees direct the Department to report to the Committees within 60 days after the date of enactment of this Act, and every six months thereafter, on its efforts to consolidate their financial management systems, as outlined in the

House report. These reports shall also include a detailed plan for the Department's migration to TASC, as outlined in the Senate report.

Annual Appropriations Justifications

The CFO is directed to submit all of its fiscal year 2011 budget justifications (classified and unclassified) concurrently with the submission of the President's budget request and at the level of detail specified in the House and Senate reports. The conferees further direct the CFO to ensure that, in the fiscal year 2011 budget justification, the enacted FTE numbers included in the documents for fiscal year 2010 accurately reflect the FTE levels funded in this Act. Finally, the CFO shall not permit any DHS component to alter the PPAs in the fiscal year 2011 budget submission into any account structure other than that contained in the detailed funding table included at the end of this statement without advance consultation with the Committees.

Impact of Changing Immigration Law for Guam and the Commonwealth of the Northern Mariana Islands

The conferees direct the Secretary to report to the Committees no later than January 15, 2010, on the changes in resources required for administering immigration and travel laws for Guam and the Commonwealth of the Northern Mariana Islands as outlined in the House report.

Expenditure Plans

The conferees continue to require expenditure plans for specific DHS programs. These plans are intended to provide Congress with information that allows it to effectively oversee particular programs and hold the Department accountable for program results. Required expenditure plans shall include, at a minimum: a description of how the plan satisfies any relevant legislative conditions for the expenditure plan; planned program capabilities and benefits; cost and schedule commitments; measures of progress against commitments made in previous plans; how the program is being managed to provide reasonable assurance that the promised program capabilities, benefits, and cost and schedule commitments will be achieved; historical funding for the program, if applicable; and an obligation and outlay schedule.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $338,393,000 for the Office of the Chief Information Officer (CIO) as proposed by the Senate instead of $281,593,000 as proposed by the House. Funding shall be allocated as follows:

Salaries and Expenses	$86,912,000
Information Technology Services	51,417,000
Security Activities	152,403,000
Homeland Secure Data Network	47,661,000
Total	$338,393,000

Data Center Development

The conference agreement provides not less than $82,788,000 within Security Activities for data center development as proposed by the Senate instead of $20,000,000 as proposed by the House. This includes $58,800,000 for data center development and operations and maintenance as requested in the budget, of which not less than $38,540,145 is for power capabilities upgrades at Data Center One in the amounts and for the purposes specifically listed in the Senate report. The CIO shall provide a briefing to the Committees no later than February 15, 2010, and quarterly thereafter, on the progress of data center development and migration.

Data Center Migration

In addition to the requested increase provided to this office for data center development and operations and maintenance, the conference agreement provides $91,200,000 specifically to various Departmental components for data center migration, for a total of $150,000,000. The conferees are aware that component data center migration schedules may shift during the course of the fiscal year based on changing circumstances and priorities. As a result, the conference report includes a general provision allowing the Secretary to transfer funds made available for data center migration, if necessary, among components based on revised schedules and priorities with 15 days prior notice to the Committees. The CIO is also directed to include information on revised schedules in the quarterly briefings.

Departmental Priorities for Information Technology

The conferees recognize the difficulties faced by the CIO in integrating the information technology (IT) priorities and requirements across the Department. The Committees are often faced with weighing requests for resources for disparate IT requirements with limited visibility into the priorities within the DHS component IT requests or how those component requests are prioritized within the Department's overall IT plans. In order for the Committees to properly evaluate IT requests, it is essential that the CIO provide a clear accounting of IT activities and priority resource needs by Departmental component and for each fiscal year. The conferees direct the CIO to brief the Committees within 45 days after the date of enactment of this Act on the prioritized list of the Department's most pressing IT needs across all components, including but not limited to OneNet, United States Citizenship and Immigration Services business transformation, data center migration, the Transportation Security Administration's vetting and credentialing modernization, the Homeland Security Information Network, and TECS modernization. Quarterly briefings should be provided thereafter.

Federal Information Security Management Act

The conferees direct the CIO to brief the Committees, along with the appropriate DHS component CIOs, on the plan to improve Federal Information Security Management Act scores as outlined in the Senate report.

ANALYSIS AND OPERATIONS

The conference agreement provides $335,030,000 for Analysis and Operations instead of $345,556,000 as proposed by the House and $347,845,000 as proposed by the Senate.

Reports to Congress

As detailed in both the House and Senate reports, the Department has been exceptionally late submitting reports required by the Committees to oversee the expenditure of Intelligence and Analysis funds and to evaluate the progress made in establishing the State and Local Fusion Center (SLFC) program. These delays not only create an unacceptable lack of visibility into DHS's intelligence programs, but also disregard Congress' explicit direction to provide timely information. Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a fiscal year 2010 expenditure plan for the Office of Intelligence and Analysis as outlined in the Senate report, including balances carried forward from prior years. In addition, the Secretary shall continue to submit quarterly reports on the SLFC Program not later than 30 days after the end of each quarter of the fiscal year, as discussed in the Senate and House reports.

National Applications Office and National Immigration Information Sharing Operation

The conference agreement provides no funding for the National Applications Office since this program was recently terminated by the Department. The conferees understand that activities currently carried out by the Department of the Interior Civil Applications Committee will be unaffected by this action.

The Department continues to develop the National Immigration and Information Sharing Operation (NIISO) program, but has substantially altered its scope to be more limited than past proposals. In addition, the Department is currently working with partner agencies to ensure that NIISO operates consistent with all existing laws and regulations. As a result, the conference agreement provides less than requested in the budget for the NIISO program since it seems unlikely operations will commence at the start of the fiscal year. In addition, the conference agreement includes a statutory provision that prohibits funding in this or any other Act from being obligated to commence NIISO operations until the Secretary certifies that NIISO complies with all existing laws, including applicable privacy and civil liberties standards, the GAO has reviewed such certification, and a notification pursuant to section 503 of this Act is submitted to the Committees.

Classified Programs

Recommended adjustments to classified programs are addressed in a separate classified annex.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The conference agreement provides $2,000,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding (OFCGCR) as proposed by both the House and the Senate. The office is directed to provide an expenditure plan for fiscal year 2010 no later than 60 days after the date of enactment of this Act, as specified in the Senate report. The conferees encourage OFCGCR to consolidate federal data on Gulf Coast recovery funding and measure impacts on key recovery indicators including repopulation, economic and job growth, reestablishment of local and State tax revenues, restoration of housing stock, and availability of critical services including health care, education, criminal justice, and fire protection. OFCGCR shall work with all appropriate stakeholders to identify and pursue a path forward to bring New Orleans Charity Hospital back on-line.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $113,874,000 for the Office of Inspector General (IG) instead of $111,874,000 as proposed by the House and $115,874,000 as proposed by the Senate. Included within this amount are additional resources necessary to conduct U.S. Customs and Border Protection revenue oversight.

In addition to this direct appropriation, $16,000,000 shall be transferred from the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund (DRF) to the IG to continue and expand audits and investigations related to disasters. The IG is required to notify the Committees no later than 15 days prior to all transfers from the DRF.

FEMA Hiring Practices

As part of the request for FEMA's Management and Administration account, $35,000,000 is to resolve employee pay shortfalls resulting from inadequate hiring and budgeting guidelines and controls at FEMA. The conferees direct the IG to investigate the hiring practices of FEMA as it pertains to this issue and to report to the Committees within 90 days after the date of enactment of this Act. As part of the investigation, the IG shall evaluate whether or not the budget request of $35,000,000 is sufficient to rectify FEMA's structural pay deficiencies.

Audit Reports

The conferees direct the IG to withhold the release of any final audit or investigation reports requested by the Committees from public distribution for a period of 15 days.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conference agreement provides $8,064,713,000 for U.S. Customs and Border Protection (CBP) Salaries and Expenses instead of $7,615,797,000 as proposed by the House and $8,075,649,000 as proposed by the Senate. Of this amount, $1,418,263,000 is for Headquarters, Management, and Administration, including $402,263,000 for rent in a separate PPA line; $950,000 within the amounts appropriated for nine additional positions for oversight of Office of Information and Technology programs; and an additional $500,000 for four new positions for conduct and integrity oversight as specified in the Senate report.

A total of $2,749,784,000 is included for Border Security Inspections and Trade Facilitation, instead of $2,732,759,000 as proposed by the House and $2,770,048,000 as proposed by the Senate. Included in this amount is an additional $7,025,000 for 50 additional CBP Officers and 10 support positions to enhance Southwest border outbound operations and an additional $10,000,000 for procurement of non-intrusive inspection (NII) equipment, to be awarded under full and open competition.

Also included is $3,587,037,000 for Border Security and Control Between Ports of Entry, instead of $3,591,559,000 as proposed by the House and $3,576,759,000 as proposed by the Senate. Within this amount is an additional $19,478,000 for 100 additional Border Patrol agents and 23 associated support personnel; an additional $10,000,000 for NII equipment to be awarded under full and open competition; and not more than $800,000 for procurement of portable solar charging rechargeable battery systems, to be awarded under full and open competition.

In addition, $309,629,000 is included for Air and Marine Operations, as proposed by both the House and Senate.

Finally, the conference report makes $1,700,000 available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

The following table specifies funding by budget program, project, and activity:

Headquarters, Management, and Administration:	
Management and Administration, Border Security Inspections and Trade Facilitation	$520,575,000
Management and Administration, Border Security and Control Between Ports of Entry	495,425,000
Rent	402,263,000
Subtotal, Headquarters Management and Administration	1,418,263,000
Border Security Inspections and Trade Facilitation:	
Inspections, Trade, and Travel Facilitation at Ports of Entry	2,262,235,000
Harbor Maintenance Fee Collection (Trust Fund)	3,226,000
International Cargo Screening	162,000,000
Other International Programs	11,181,000
Customs-Trade Partnership Against Terrorism	62,612,000
Trusted Traveler Programs	11,274,000
Inspection and Detection Technology Investments	153,563,000
Automated Targeting Systems	32,560,000
National Targeting Center	26,355,000
Training	24,778,000
Subtotal, Border Security Inspections and Trade Facilitation	2,749,784,000
Border Security and Control between Ports of Entry:	
Border Security and Control	3,535,286,000
Training	51,751,000
Subtotal, Border Security and Control between POEs	3,587,037,000
Air and Marine Operations	309,629,000
Total	$8,064,713,000

Financial Plan

The conferees are disappointed with poor financial decisions made by CBP in fiscal year 2009, such as insufficiently linking hiring initiatives to available resources, and the failure to factor the impact of decreased international travel, and subsequent reductions in inspection fee revenue, into spending plans based on those fees. Because more visibility in financial planning is required for oversight, the conferees wish to see the presentation of CBP Salaries and Expenses at a level of detail, and with more clarity, than is currently displayed in the appropriation table by PPAs. However, the conferees also acknowledge the practical issues involved in revising the current PPA structure, which serves as a basis for financial control and establishes reprogramming baselines, and that any PPA change would necessarily have ripple effects in budget execution. To help develop a more useful display of CBP activities, and facilitate oversight by the Committees, the conferees direct CBP to provide within 90 days after the date of enactment of this Act, a financial plan reflecting a detailed breakout of funding by office for each of the major PPAs in the Salaries and Expenses appropriation: Headquarters, Management, and Administration; Border Security, Inspections and Trade Facilitation; Border Security and Control Between the Ports of Entry; and Air and Marine Operations. This financial plan shall be updated in the congressional budget justification submitted by the Department in support of the fiscal year 2011 budget. This requirement is in lieu of the Senate report requirement for a new PPA structure and detailed expenditure plan. The fiscal year 2011 budget request should be submitted using the current PPA structure.

Data Center Migration

The conference agreement provides $33,650,000 for data center migration as proposed by the Senate instead of no funding as proposed by the House. CBP should consider reprogramming funds from within the Office of Information and Technology should additional funding for data center migration become necessary.

Intellectual Property Rights Enforcement

The conferees believe a greater focus needs to be brought to intellectual property rights (IPR) enforcement. CBP is directed to submit by December 15, 2009, a 5-year enforcement strategy to reduce IPR violations. The strategy shall include: a timeline for developing improved targeting models specifically for IPR, a timeline for implementing expanded training for all enforcement personnel, recommendations for strengthening penalties, a plan for creating a supply chain management program for IPR, and a timeline for expanding post audit reviews for IPR.

In addition, CBP, in consultation with the United States Patent and Trademark Office (PTO) and the United States Copyright Office (CO), is directed to submit a feasibility study to the Committees not later than April 16, 2010, for developing and implementing an opt-in or voluntary automated link between the Intellectual Property Rights e-Recordation online system and systems maintained by PTO and CO to allow rights holders to elect to record their rights with CBP. The study shall address project costs, infrastructure requirements, data collection requirements, and a timeline for implementing such an automated link.

Western Hemisphere Travel Initiative

The conference agreement provides $144,936,000 for the Western Hemisphere Travel Initiative (WHTI), as proposed by the House and Senate and requested in the budget. The conferees direct the DHS Office of Policy, with CBP, to provide semiannual briefings to the Committees on WHTI implementation, beginning not later than 30 days after the date of enactment of this Act. These briefings should begin detailing the transition of WHTI systems and infrastructure to regular inspection and trade and travel facilitation operations, and identify program elements and funding that will be non-recurred as WHTI is fully integrated into CBP base operations.

Northern Border Strategic Efforts

The conferees direct CBP to submit a report to the Committees not later than January 15, 2010, on staffing, funding, and implementation of Northern Border enforcement initiatives, as detailed in the House report.

Electronic System for Travel Authorization

The Electronic System for Travel Authorization (ESTA) provides automated electronic vetting of travelers from 35 visa waiver program (VWP) countries, including eight added in fiscal year 2008. CBP has received over 11,470,000 ESTA applications in fiscal year 2009, with an approximate rejection rate of 0.2 percent. While ESTA helps CBP screen incoming VWP travelers, the fact that airlines neither collect nor check ESTA information means there is no systematic way to prevent passengers who are not ESTA compliant from boarding U.S.-bound flights.

To assess ESTA performance, and the steps required to ensure all VWP travelers comply with ESTA, the conferees direct DHS to submit an ESTA strategic plan to the Committees not later than 90 days after the date of enactment of this Act. The strategic plan should include all elements specified in the House and Senate reports. To address ESTA's communications strategy, the plan should recommend how to ensure all travelers from VWP countries are aware of ESTA requirements. It should also review the relationship between ESTA and other offices with immigration/travel regulatory missions, and recommend improvements in coordination and efficiency, to include possibly merging ESTA within other components such as the VWP office or United States Visitor and Immigrant Status Indicator Technology.

International Cargo Screening

The conference agreement provides $162,000,000 for International Cargo Screening as proposed by the House, instead of $165,421,000 as proposed by the Senate. The conferees strongly support current efforts to reduce the vulnerability of international

supply chains being used to smuggle illicit weapons, or being disrupted by such weapons. However, the conferees also recognize practical difficulties in trying to meet the statutorily mandated target of 100 percent scanning of U.S.-bound cargo in foreign ports. The conferees therefore direct CBP to report, not later than February 1, 2010, on its strategy to achieve meaningful and effective cargo and supply chain security, as described in the House report.

Textile Transshipment Enforcement

The conference agreement provides $4,750,000 for textile transshipment enforcement. The conferees direct CBP to submit a report with its fiscal year 2011 budget request on the execution of its five-year strategic plan for textile transshipment enforcement, as specified in the House report.

Project SeaHawk

The conferees encourage CBP to continue to work with the Department of Justice and local law enforcement on the Project SeaHawk law enforcement task force to the maximum extent possible.

Antidumping and Countervailing Duty Enforcement

The conferees have ensured that, within the amounts provided for in this account, there will be sufficient funds to administer the on-going requirements of section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c), referenced in subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; Stat. 154).

The conferees direct CBP to continue to work with the Departments of Commerce and Treasury, and the Office of the United States Trade Representative (and all other relevant agencies) to increase collections, and to provide a public report on an annual basis, within 30 days of each year's distributions under the law. The report should summarize CBP's efforts to collect past due amounts and increase current collections, particularly with respect to cases involving unfairly traded U.S. imports from China. The report shall provide the amount of uncollected duties for each antidumping and countervailing duty order, and indicate the amount of open, unpaid bills for each such order. In that report, the Secretary, in consultation with the other relevant agencies, including the Secretaries of Commerce and Treasury, should also advise as to whether CBP can adjust its bonding requirements to further protect revenue without violating U.S. law or international obligations, and without imposing unreasonable costs upon importers.

The conferees further direct the Secretary to work with the Secretary of Commerce to identify opportunities for the Department of Commerce to improve the timeliness, accuracy, and clarity of liquidation instructions sent to CBP. Increased attention and interagency coordination in these areas could help ensure that steps in the collection of duties are completed in a more expeditious manner.

Non-Intrusive Inspection Technology

The conference agreement provides a total of $163,563,000 within ''Salaries and Expenses'' for the purchase of NII technology instead of $183,563,000 as proposed by the Senate and $143,563,000 as proposed by the House, of which $10,000,000 is included in the Border Security and Control Between Ports of Entry PPA. The conferees direct CBP to award all NII funds through full and open competition.

Northern Border Security

The conferees expect DHS and CBP to devote the attention and funding needed to secure the Northern border. The conferees direct the Secretary to address the issues discussed in the House and Senate reports regarding the Northern border, update the August 2009 Northern Border Strategy, and meet the stated goal of deploying 2,212 Border Patrol agents along the Northern border in fiscal year 2010. A briefing on the steps being taken to achieve these specific goals shall be provided to the Committees not later than December 15, 2009.

Rent

The conference agreement includes $402,263,000 for Rent in the Headquarters, Management, and Administration PPA, as proposed by the Senate, instead of in the proposed Facilities Management account, as proposed by the House. The conferees view keeping rental payments within the Salaries and Expenses appropriation as consistent with fully capturing and displaying the budgets of activities funded in that appropriation, in that rental costs are necessarily included in resource allocation decisions for program operations. At the same time, the conferees see value in being able to compare all facility related costs, whether rent, lease, or investment. The conferees therefore direct CBP to submit, with its justification materials accompanying the 2011 budget request, a consolidated presentation of all CBP facilities costs.

Additional Reports

The conferees direct the Secretary of Homeland Security to submit the reports called for in sections 563 and 568 of H.R. 2892 as amended by the Senate regarding, respectively, Operation Streamline and the improvement of cross-border inspection processes.

AUTOMATION MODERNIZATION

The conference agreement provides $422,445,000 for Automation Modernization instead of $462,445,000 as proposed by the House and Senate. Funds are available until expended. The total amount provided includes funding for the Automated Commercial Environment (ACE), the International Trade Data System (ITDS), legacy systems, and Critical Operations Protection and Processing Support (COPPS), the latter including modernization of the TECS system. Not less than $227,960,000 of the total appropriation is provided for ACE, of which $16,000,000 is for ITDS. Of the total provided for ACE, $50,000,000 is unavailable for obligation until 30 days after an expenditure plan, as specified in the House report, is submitted to the Committees. In addition, CBP is directed to continue submitting quarterly reports to the Committees on progress in implementing ACE.

Automated Commercial Environment

The conferees remain staunchly committed to completing the development and deployment of ACE. Significant capabilities have already been delivered to the trade community and to the employees of CBP. However, CBP continues to struggle and fail at program management, requirements development, contractor oversight, and delivering capabilities on time. It should be noted that what originally was a 5–year development plan has become a 20–year odyssey. CBP is again restructuring its approach to managing the development of ACE, including requiring future capability releases to undergo business case reviews. The reductions in funding below the amount requested in the budget are prudent and should allow CBP to place Entry Summary Reconciliation and Cargo Release into a full business case review rather than proceeding with their development in fiscal year 2010 under the original plan.

TECS Modernization Expenditure Plan

The conference agreement provides $50,000,000, as requested in the budget, for TECS modernization, within the COPPS PPA funding levels. The conferees understand this joint effort between CBP and U.S. Immigration and Customs Enforcement (ICE) will be completed within the next five years, and direct CBP and ICE to provide semiannual joint briefings to the Committees beginning not later than December 1, 2009.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The conference agreement provides $800,000,000 for the integrated Border Security Fencing, Infrastructure, and Technology account as proposed by the Senate instead of $732,000,000 as proposed by the House. Funds are available until expended. The funding includes $92,000,000 for Program Management, of which $40,000,000 is for environmental and regulatory requirements and $52,000,000 is for personnel operations and support; $508,000,000 for Development and Deployment, of which $40,000,000 is for Northern border security technology investment, and of which $20,548,000 above the budget request is included to expedite P25 tactical communications modernization and to further technology design planning for Secure Border Initiative Network (SBInet) projects in Arizona; and $200,000,000 for Operations and Maintenance.

The conference agreement also makes $75,000,000 unavailable for obligation until the Committees receive and approve an expenditure plan that complies with conditions set forth in the conference report, and has been reviewed by the GAO. The conference report continues current law making no funding available until the Secretary certifies that CBP has complied with legal requirements for consultation with communities, federal agencies, and other stakeholders affected by planned deployment of fencing and tactical infrastructure, and, for projects for which the Secretary has exercised statutory authority to waive various environmental and other regulations and laws, until 15 days after public notice of such waiver.

Expenditure Plan

The conferees include statutory requirements for information to be included in the expenditure plan to be reviewed by the GAO. The conferees expect the plan will be submitted in a timely manner to the Committees and comply fully with the conditions set forth in this and related Acts.

The conferees direct that the plan provide specific details on how additional funding shall be used to expedite P25 tactical communications modernization.

The conferees are concerned about the delays in deployment for SBInet ''Blocks'' 1 and 2, while also recognizing the need to proceed carefully and to ensure steps are taken to address all mission and operational test requirements. Therefore, the conferees also direct that the expenditure plan specify how additional funding included under this heading will be used to further key development and demonstrations in support of the launch of ''Block 2''. In addition to the expenditure plan requirements, the conferees direct CBP to brief the Committees as soon as preliminary results from ''Block 1'' operational field tests are available and prior to proceeding further with ''Block 2'' development.

Evaluation and Acceptance Criteria

The conferees continue to support expeditious deployment of effective technology to enhance CBP's execution of its border security mission, and recognize the renewed rigor with which CBP is evaluating the operational utility of such technology. In fiscal year 2010, the Office of Border Patrol (OBP) is expected to evaluate the SBInet ''Block 1''

increment through operational field testing along the Southwest Border. While OBP's operational requirements for border security technology are well documented, the criteria OBP will use to determine acceptance of the SBInet prime mission product remain unclear. The conferees direct CBP to delineate the evaluation and acceptance criteria for SBInet in the required BSFIT expenditure plan. CBP, along with the Science and Technology Directorate, are also directed to jointly brief the Committees prior to CBP commencing ''Block 1'' operational field testing on this criteria and how the criteria will be used to make an acceptance determination of SBInet.

Northern Border Technology

The conferees are concerned that not all options are receiving due consideration when allocating funding to deploy technology to Border Patrol sectors along the Northern Border. While proven commercial off-the-shelf (COTS) technology, such as cameras, can significantly leverage existing manpower, many Border Patrol stations lack such basic technology. At the same time, most Northern border technology investment is being put into one sector's integration center. The conferees direct that the expenditure plan, in describing Northern Border technology investments, explicitly address tradeoffs between intensive investments (by operation or location) versus providing COTS technology and support to more areas of the Northern Border. In addition, CBP is directed to continue, as part of the quarterly Secure Border Initiative (SBI) reports, a report on technology investment on the Northern border, as specified in the House report.

Reporting Requirements to the Committees

CBP is directed to include, within the fiscal year 2010 expenditure plan and as specified in the House report, its proposed environmental planning and mitigation plan. In lieu of providing in that plan a report on current and prior year environmental efforts, as proposed by the House, CBP shall brief the Committees no later than 90 days after the date of enactment of this Act. In the same briefing, CBP shall provide an assessment of the potential of ''buffer areas'' to facilitate mission and environmental goals, in lieu of a report in the expenditure plan, as proposed by the House.

In addition, DHS shall include in the quarterly SBI report details on BSFIT obligations and expenditures as specified in the House report, rather than submitting such information on a monthly basis.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conference agreement provides $519,826,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement instead of $513,826,000 as proposed by the House and $515,826,000 as proposed by the Senate. This includes $374,217,000 for Operations and Maintenance and $145,609,000 for Procurement. Within these amounts, an additional $6,000,000 is provided for software and system upgrades for the Air and Marine Operations Center, and an additional $8,000,000 is provided for marine vessels.

Marine Vessels

The conference agreement provides $14,500,000 for procurement of marine vessels, instead of $16,500,000 as proposed by the Senate and $6,500,000 as proposed by the House, an increase of $8,000,000 above the budget request. The conferees direct these funds to be awarded competitively and direct CBP to submit an updated strategic acquisition plan to the Committees as discussed in the House report.

Air and Marine Recapitalization

Congress, in fiscal year 2006, mandated CBP to submit a strategic plan for recapitalization of its aviation assets, subsequently expanded to include all its air and marine programs. In executing this plan, CBP has awarded contracts for the purchase and upgrade of aircraft and marine vessels, as well as implementation of the P–3 aircraft service life extension program. However, the conferees note that CBP has made little progress in retiring its aging assets or reducing the number of types of aircraft it flies. These trends could lead to higher maintenance costs and possibly the loss of assets needed to support the agency's border security missions. The conferees therefore direct the Commissioner to submit an updated strategic plan for air and marine recapitalization to the Committees with its fiscal year 2011 budget request, specifying the quantities and types of aging aircraft and marine vessels operated by CBP, their operating locations, and progress toward replacement or upgrade of such assets. The report shall include an estimate of the costs to maintain aging assets until they are retired, plans for mitigating the impact of increased maintenance on mission availability, and details on contracts awarded to purchase new, replacement aircraft and vessels, or upgrade existing assets. CBP is also directed to brief the Committees no later than December 15, 2009, on current air and marine asset maintenance costs and mission availability, and the remaining service life of aging assets.

CONSTRUCTION AND FACILITIES MANAGEMENT

The conference agreement provides $319,570,000 for Construction and Facilities Management instead of $682,133,000 for Facilities Management as proposed by the House, and $316,070,000 as proposed by the Senate. This includes $282,557,000 for Facility Construction and Sustainment and $37,013,000 for Program Oversight and Management. Within Facility Construction and Sustainment is an additional $39,700,000 for constructing and equipping the Advanced Training Center and an additional $3,500,000 for acquisition, design, and construction of CBP Air and Marine facilities at El Paso International Airport. No funding is provided for rent, which is funded in the Salaries and Expenses appropriation.

Port of Entry Construction

The conference agreement includes language requiring CBP, in consultation with GSA, to include a 5-year construction plan for land border ports of entry. The conferees direct DHS to continue to work with GSA to prioritize and address land border port of entry infrastructure needs, and to comply with requirements of the Public Buildings Act to seek necessary funding, as called for in the Senate and House reports.

Future Construction Needs

The conferees are disappointed that the fiscal year 2010 budget request includes no funds for ongoing or new construction projects. While significant funds have been provided to CBP as its workforce has seen exceptional growth, the expansion and replacement of aging and inadequate CBP facilities is not complete. The conferees expect future budget requests to include an adequate level of funding to continue modernization of CBP facilities to meet current security needs and the habitability needs of the CBP workforce.

Rural and Remote Housing

The conferees expect DHS to work to ensure adequate housing for its personnel in rural and remote areas, particularly with the significant increase of CBP personnel deployed to the Northern and Southwest Borders, and direct the Department to submit to the Committees no later than December 15, 2009, a Quarters Management Plan as described in the House report.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conference agreement provides $5,342,134,000 for U.S. Immigration and Customs Enforcement (ICE) Salaries and Expenses instead of $5,313,193,000 as proposed by the House and $5,360,100,000 as proposed by the Senate. Within the total amount, not less than $1,500,000,000 is for efforts to identify individuals illegally present in the United States who have criminal records, whether incarcerated or at-large, and to remove these aliens once they have been judged deportable in immigration court. The conferees direct ICE to report within 30 days after the date of enactment of this Act to the Committees on how it will allocate program funds to fulfill this requirement.

The conference report includes a statutory requirement regarding IG reviews of ICE's 287(g) agreements for compliance with the terms of Memoranda of Understanding signed between the agency and local law enforcement organizations, and also prohibits the expenditure of funds on contracts with detention centers that repeatedly fail to comply with ICE detention standards.

The following table specifies funding levels by budget activity:

Headquarters Management and Administration	$512,337,000
Legal Proceedings	221,666,000
Domestic Investigations	1,649,551,000
International Investigations:	
International Operations	112,872,000
Visa Security Program	30,686,000
Subtotal, International Investigations	143,558,000
Intelligence	69,842,000
Detention and Removal Operations:	
Custody Operations	1,771,168,000
Fugitive Operations	229,682,000
Criminal Alien Program	192,539,000
Alternatives to Detention	69,913,000
Transportation and Removal Program	281,878,000
Subtotal, Detention and Removal Operations	2,545,180,000
Identification and Removal of Criminal Aliens	200,000,000
Total, ICE Salaries and Expenses	$5,342,134,000

Management and Administration

Within Management and Administration, the conference agreement includes $47,123,000 for ICE field office collocation as proposed by the House and instead of $57,000,000 as proposed by the Senate. A statutory restriction in the conference report withholds from obligation all non-personnel and non-planning costs for field office collocation until ICE submits a plan for nationwide expansion of the Alternatives to Detention program. In addition, the conference agreement includes $23,850,000 for ICE data center consolidation, as proposed by the Senate instead of no funding as proposed by the House. The conference report also includes authority to transfer up to $10,000,000 from the ICE Automation Modernization account to Salaries and Expenses for data center migration, if ICE determines this to be a higher priority.

Prioritizing the Removal of Deportable Criminal Aliens

The conference report includes $200,000,000 exclusively for ICE efforts to identify and remove deportable criminal aliens as proposed

by the House, instead of $195,589,000 as proposed by the Senate. ICE has branded these efforts ''Secure Communities,'' and the conferees continue to have strong interest in the implementation and expansion of this program. As a result, the conference agreement includes a statutory requirement for ICE to report to the Committees, within 45 days of the close of each quarter of the fiscal year, on progress to make sure all aliens who have been convicted of crimes and ordered removed from the United States are indeed deported to their country of origin.

The conferees include statutory language directing ICE to allocate not less than $1,500,000,000 of its total Salaries and Expenses budget to the identification and removal of criminal aliens, indicating the high level of attention the conferees expect ICE immigration enforcement managers will place on finding and deporting those who have already proved their ability to harm U.S. citizens and legal residents. The conferees recognize the complex mix of competing priorities confronting ICE when enforcing immigration laws, and have provided record appropriations since 2007 to support all ICE immigration enforcement activities. Despite this robust level of funding, ICE has been unable to fully develop a capacity to identify all individuals who have been convicted of criminal offenses, ordered removed from the country, and are in law enforcement custody. The conferees expect ICE will continue to make significant progress establishing the Secure Communities program at booking locations, jails and prisons throughout the country in fiscal year 2010. Within 30 days of the enactment of this Act, the conferees direct ICE to submit to the Committees an explicit plan for how the agency will allocate these program resources to the identification and removal of deportable criminal aliens.

The conferees note that ICE has had initial success deploying the Secure Communities program to more than 40 locations nationwide. Data indicate that Secure Communities helped ICE issue more than 6,000 immigration detainers at these locations between October 2008 and April 2009, many of which were for individuals convicted of serious offenses such as rape, armed robbery, and violent drug-related crimes. As in past years, the conferees include a statutory requirement for ICE to prioritize the removal of aliens convicted of crimes by the severity of that crime to ensure the most dangerous criminal aliens are not simply released back into the U.S. after the completion of their criminal sentences.

Southwest Border Enforcement Initiative

The conferees note the vigor with which ICE has rapidly devoted resources toward the enhancement of law enforcement efforts along the Southwest border in response to the increase in cross-border crime in fiscal year 2009. These efforts include the establishment of 10 Border Enforcement Security Task Forces (BESTs) along the Southwest border to better utilize the collective capabilities of Federal, State, local, and international law enforcement partners. Furthermore, ICE has signed new agreements with the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to strengthen and better coordinate Federal law enforcement efforts to thwart the smuggling of drugs, bulk cash, weapons, illegal aliens, and other contraband by transnational criminal organizations. While very supportive of these efforts, the conferees believe ICE must examine the broader resource implications and sustainability of this new operational posture in the context of achieving the objectives of the National Southwest Border Counternarcotics Strategy (the Strategy), released on June 5, 2009. ICE is directed to brief the Committees no later than December 15, 2009, on its efforts to effectively align resources to the Strategy's goals for border enforcement.

To support ICE efforts along the Southwest border in combating crime related to transnational smuggling and illicit trade, the conference agreement provides a total of $100,000,000, $30,000,000 more than requested. Of these amounts, an additional $10,000,000 is for BEST team expansion, which includes $2,000,000 for intelligence activities; an additional $10,000,000 is for counter-proliferation investigations, including anti-gun smuggling activities; and an additional $10,000,000 is for investigations of transnational gangs.

The conferees are aware of ongoing efforts to coordinate the investigative activities of DHS and the Department of Justice (DOJ) along the Southwest border. The conferees commend the Administration for this plan to expand and share network ballistics imaging technology with Mexican law enforcement agencies as part of the Strategy. As discussed in the Senate report, the sharing of ballistics information can potentially generate significant leads for investigations into gun violence and weapons smuggling. The conferees encourage DHS to continue to work closely with the DOJ to ensure appropriate protocols are in place to share ballistic information between the two agencies and with Mexican law enforcement partners to further collective investigative efforts.

Detention Bed Spaces

The conference report includes a provision directing that a level of 33,400 detention beds shall be maintained throughout fiscal year 2010.

Detention Standards Oversight and Compliance

As discussed in both the House and Senate reports, the conferees support ICE's proposal to expand the Office of Professional Responsibility and Detention Facilities Inspection Group, and provide an increase of $2,100,000 over the budget request for these programs in fiscal year 2010 to address workplace fraud as proposed by the Senate.

Alternatives to Detention

The conference agreement provides $69,913,000 for Alternatives to Detention programs instead of $73,913,000 as proposed by the House and $63,913,000 as proposed by the Senate. Included in the conference report is a statutory restriction on expenditure of ICE appropriations on field office collocation until ICE submits to the Committees a plan for nationwide deployment of the Alternatives to Detention program.

Detention and Removal Reporting

ICE is directed to continue to submit quarterly reports on detention and removal statistics, as discussed in the Senate report.

ICE Investigations

The conference agreement provides $1,649,551,000 for ICE domestic investigations instead of $1,643,360,000 as proposed by the House and $1,666,551,000 as proposed by the Senate. The conference agreement also provides $143,558,000 for ICE international investigations instead of $144,758,000 as proposed by the House and $143,058,000 as proposed by the Senate. Within the funding provided for international investigations, the conference agreement includes $30,686,000 for ICE Visa Security Units instead of $31,886,000 as proposed by the House and $30,186,000 as proposed by the Senate.

ICE Worksite Enforcement

The conference agreement provides $134,778,000 for ICE worksite enforcement investigations, an increase of $6,000,000 above the amount requested in the budget, as discussed in the Senate report.

State and Local Programs

The conference agreement includes a total of $117,394,000 for State and Local Programs as proposed by both the House and Senate. Within this total, $68,047,000 is for the 287(g) program; $14,357,000 is provided for the Forensics Document Laboratory, which supports all ICE investigatory programs and offers specialized assistance to State and local law enforcement agencies; and $34,990,000 is for the Law Enforcement Support Center.

Deportation of Parents of U.S.-Born Children

As discussed in the House and Senate reports, ICE does not currently track in any meaningful or comprehensive way, information about the removal of alien parents of U.S.-born children. In order to better understand the scale and intricacies of this issue, the conferees direct ICE to submit, within 60 days after the date of enactment of this Act, an evaluation of the process and data management system changes necessary to track the information discussed in both the House and Senate reports, including a timeline for implementing the required changes in fiscal year 2010. ICE is directed to begin collecting data on the deportation of parents of U.S.-born children no later than July 1, 2010, and to provide the data at least semi-annually to the Committees and the Office of Immigration Statistics.

Textile Transshipment Enforcement

As discussed in the House report, the conference agreement includes $4,750,000 for textile transshipment enforcement, as authorized by section 352 of the Trade Act of 2002. Concurrent with its fiscal year 2011 budget submission, ICE should report on this activity as discussed in the House report.

AUTOMATION MODERNIZATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $90,000,000 for Automation Modernization instead of $105,000,000 as proposed by the House and $85,000,000 as proposed by the Senate. Included in this amount is the full budget request for the TECS and Atlas modernization programs, and for ICE efforts to convert health records to digital format. The conferees direct ICE to provide, within 30 days from the date of enactment of this Act, a briefing that identifies the funding levels to be allocated to other programs funded in this account. In addition, the conference report includes a statutory restriction withholding $10,000,000 of the Automation Modernization appropriation from obligation until ICE submits a detailed fiscal year 2010 expenditure plan for this account. Should ICE determine that data center migration is a higher priority than its various automation modernization programs, it may transfer up to $10,000,000 from this account to ''Salaries and Expenses'' for this purpose.

CONSTRUCTION

The conference agreement provides an additional $4,818,000 for ICE construction, which funds basic and emergency maintenance at ICE-owned detention facilities instead of $11,818,000 as proposed by the House and no funding as proposed by the Senate.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conference agreement provides $5,214,040,000 for Aviation Security instead of $5,265,740,000 as proposed by the House and $5,233,328,000 as proposed by the Senate. In addition to the amounts appropriated, a mandatory appropriation totaling $250,000,000 is available through the Aviation Security Capital Fund. Statutory language reflects the collection of $2,100,000,000 from aviation user fees, as authorized. The following table specifies funding by budget activity:

Screening Operations:	
Screener Workforce:	
Privatized screening	$149,643,000
Screener personnel, compensation, and benefits	2,758,575,000
Subtotal, screener workforce	2,908,218,000
Screening training and other	204,713,000
Checkpoint support	128,739,000
EDS/ETD Systems:	
EDS procurement and installation	778,300,000
Screening technology maintenance and utilities	316,625,000
Operation integration	21,481,000
Subtotal, EDS/ETD systems	1,116,406,000
Subtotal, screening operations	4,358,076,000
Aviation Security Direction and Enforcement:	
Aviation regulation and other enforcement	254,064,000
Airport management and support	453,924,000
Federal flight deck officer and flight crew training	25,127,000
Air cargo	122,849,000
Subtotal, aviation security direction and enforcement	855,964,000
Total, Aviation Security	$5,214,040,000

Privatized Screening

The conference agreement provides $149,643,000 for Privatized Screening as proposed by the House and Senate. The Transportation Security Administration (TSA) is directed to approve the applications of airports that are seeking to participate in the screening partnership program that meet all of TSA's criteria, including the determination that contract screening can be provided at that location in a cost-effective manner.

Screener Personnel, Compensation, and Benefits

The conference agreement provides $2,758,575,000 for Screener Personnel, Compensation, and Benefits as proposed by the Senate instead of $2,788,575,000 as proposed by the House. Within this funding, the conferees have approved $211,861,214 for behavior detection officers, an increase of 126 new behavior detection officer FTEs to enhance ongoing activities at the nation's larger airports. As discussed in the Senate report, no later than 60 days after the date of enactment of this Act, TSA shall report on the scientific basis for using behavior pattern recognition for observing airline passengers for signs of hostile intent, the effectiveness of this program in meeting its goals and objectives, and the justification for expanding the program. GAO shall review this report and provide its findings to the Committees no later than 120 days after the report is submitted to the Committees.

The conferees agree with the Senate recommendation to reduce funding below the request in this account due to repeated large carryover balances. With the large influx of funding provided by ARRA and this Act, TSA is able to greatly expedite the deployment of next generation technologies at the checkpoint and to install significantly more inline explosives detection systems, thereby permitting a reduction in personnel. TSA shall report to the Committees, in tandem with the fiscal year 2011 budget, on the savings achieved and anticipated by fiscal year from the installation of the new systems. The report shall specifically address FTE savings.

TSA shall provide a briefing within 30 days after submission of the fiscal year 2011 Congressional Budget Justification presenting a revised fiscal year 2011 budget structure for the Committees consideration that includes an appropriation for personnel and related operational expenses with a one-year availability.

Screener Training and Other

The conference agreement provides $204,713,000 for Screener Training and Other as proposed by the House instead of $203,463,000 as proposed by the Senate. Within the funds provided is $1,250,000 for the Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improved explosive detection recognition training.

Checkpoint Support

The conference agreement provides $128,739,000 for Checkpoint Support as proposed by the House and Senate. TSA shall move to a fully competitive procurement process for checkpoint support equipment no later than September 30, 2010, and update the Committees periodically on the progress it is making to meet this requirement. As discussed under ''Transportation Security Support'', TSA shall provide an expenditure plan on checkpoint support expenditures on an airport-by-airport basis.

Within 60 days after the date of enactment of this Act, TSA shall report to the Committees on the details and strategy for a comprehensive program to ensure passenger privacy related to the whole body imaging (WBI) program. At a minimum, this strategy should include: off-site monitoring; adequate privacy safeguards by software or other means; procedures to prohibit storing, transferring, or copying any images produced by the machines; and a concept of operations plan for those passengers that choose a physical search rather than WBI screening.

Explosives Detection Systems

A total of $1,028,300,000 is available for Explosives Detection Systems (EDS) procurement and installation. Within this total, the conference agreement provides $778,300,000 in discretionary funding instead of $800,000,000 as proposed by the House and $802,169,000 proposed by the Senate. An additional $250,000,000 in mandatory funding is available from the Aviation Security Capital Fund. Not less than 28 percent of the funds provided shall be available for the purchase and installation of certified EDS at medium- and small-sized airports as proposed by the Senate instead of 25 percent as proposed by the House. Any award to deploy EDS shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

TSA shall move to a fully competitive EDS procurement process no later than September 30, 2010, and update the Committees periodically on the progress it is making to meet this requirement.

The 9/11 Act requires that TSA prioritize funding for in-line baggage system deployment using a risk-based model, to include consideration of those airports incurring eligible costs for EDS that were not recipients of funding agreements under 49 U.S.C. 44923. The TSA expenditure plan, discussed under ''Transportation Security Support'', shall identify those airports that have petitioned TSA for support and include these airports as part of the risk-based prioritization analysis of airport projects for determining funding eligibility pursuant to section 1604(b)(2) of the 9/11 Act.

As discussed in the House report, TSA is encouraged to consider using funds for dedicated pre-engineered structures related to optimal screening solutions for EDS installations.

The conferees continue to be interested in the feasibility of consolidating checkpoint and checked baggage systems at medium- and small-sized airports and direct TSA to expeditiously submit the report required by February 16, 2009, on this topic.

Screening Technology Maintenance and Utilities

The conference agreement provides $316,625,000 for Screening Technology Maintenance and Utilities as proposed by the House instead of $326,625,000 as proposed by the Senate. The conferees remain interested in controlling the growing maintenance costs of the agency's screening technologies and understand that TSA is working with vendors to develop equipment with greater throughput and lower maintenance costs. The conferees support this effort and encourage TSA to look for ways to control costs in this area in the future.

Airport Management and Support

The conference agreement provides $453,924,000 for airport management and support as proposed by the House instead of $448,424,000 as proposed by the Senate. Within this funding is $5,500,000 for the flight data initiative to support aircraft installation and flight testing by September 30, 2011.

Air Cargo

The conference agreement provides $122,849,000 for Air Cargo as proposed by the House instead of $115,018,000 as proposed by the Senate. Within the funds provided: $4,730,000 is for testing, evaluation, and qualification of existing technologies for use in air cargo to assist the fresh fruit industry and others in complying with new cargo screening requirements; $2,200,000 is for inspectors and canine teams to convert 35 legacy teams to proprietary teams; $3,450,000 is for 50 new inspectors to address the additional inspection workload related to the 100-percent screening mandate and other regulatory responsibilities; and $4,350,000 is for deployment of skid-level and palletized screening technologies, including vapor detection and metal detection technologies, to meet the 100-percent screening mandate.

TSA is encouraged to continue its efforts to assist the fresh fruit industry in complying with new cargo scanning requirements and to expedite the development and approval of efficient and effective cargo screening technologies.

TSA is directed to regularly brief the Committees on the results of its air cargo pilot before a nationwide rollout and identify any impediments it may have in meeting the 100-percent air cargo screening requirement by August 2010.

No later than 60 days after the date of enactment of this Act, TSA shall submit an expenditure plan to the Committees on the allocation of air cargo funds, including carryover balances.

SURFACE TRANSPORTATION SECURITY

The conference agreement provides $110,516,000 for Surface Transportation Security instead of $103,416,000 as proposed by the House and $142,616,000 as proposed by the Senate. Within this total, $42,293,000 is for surface transportation staffing and operations and $68,223,000 is for surface transportation security inspectors and canines.

Within the funds provided for surface transportation security inspectors and canines, the conferees provide $7,100,000 for 100 new surface transportation inspectors, allowing TSA to fulfill 9/11 Act requirements. Due

to TSA delays in hiring, the conferees provide $25,000,000, half the increased funding requested, for new rail inspectors to create 15 new Visible Intermodal Protection and Response (VIPR) teams. These funds cannot be obligated until TSA provides an expenditure plan detailing how and where these new VIPR teams will be deployed.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The conference agreement provides a direct appropriation of $171,999,000 for Transportation Threat Assessment and Credentialing as proposed by the House and the Senate. In addition, the conferees have moved all fee funded screening activities into this account. TSA anticipates it will collect $47,620,000 in fees. Funding is provided as follows:

Direct Appropriations:	
Secure flight	$84,363,000
Crew and other vetting programs	87,636,000
Subtotal, direct appropriations	171,999,000
Fee Collections:	
Transportation worker identification credential	9,000,000
Hazardous materials	15,000,000
Alien flight school (transfer from DOJ)	4,000,000
Certified cargo screening program	5,200,000
Large aircraft security program	1,600,000
Secure identification display area checks	10,000,000
Other security threat assessments	100,000
General aviation at DCA	100,000
Indirect air cargo	2,600,000
Sensitive security information	20,000
Subtotal, fee collections	$47,620,000

Secure Flight

The conference agreement provides $84,363,000 for Secure Flight as proposed by the House and Senate. The conferees do not include a general provision as proposed by the Senate prohibiting funds to be used to test algorithms assigning risk to passengers whose names are not on a government watch list or to use databases that are under control of a non-Federal entity because these activities are not permitted by the final Secure Flight rule. Any change beyond the scope of this rule would require a new rulemaking.

TSA shall report within 90 days after the date of enactment of this Act on the progress it has made in addressing GAO's Secure Flight recommendations related to the name matching system, appropriate life cycle costs, schedule estimates, and its assessment on the impact of modifications to the Computer Assistance Passenger Pre-Screening System rules on air carriers. In addition, the conferees direct GAO to continue its review of the Secure Flight program until all conditions are generally achieved, and periodically update the Committees on its findings.

As directed in the Senate report, TSA shall brief the Committees on any security concerns related to passengers providing fraudulent documents when making an airline reservation and discuss how this will be addressed.

No funds appropriated for crew and other vetting programs may be used to supplement the amount provided for the Secure Flight program, subject to section 503 of this Act.

TRANSPORTATION SECURITY SUPPORT

The conference agreement provides $1,001,780,000 for Transportation Security Support instead of $992,980,000 as proposed by the House and $999,580,000 as proposed by the Senate. Funding is provided as follows:

Headquarters administration	$248,929,000
Information technology	498,310,000
Human capital services	226,338,000
Intelligence	28,203,000
Total, Transportation Security Support	$1,001,780,000

Information Technology

The conference agreement includes $498,310,000 for Information Technology instead of $489,510,000 as proposed by the House and $496,110,000 as proposed by the Senate. Within this total is $8,800,000 for data center migration.

Expenditure Plans

The conference report includes language requiring TSA to submit detailed expenditure plans to the Committees for air cargo security, and for checkpoint support and EDS procurement, refurbishment, and installations is on an airport-by-airport basis for fiscal year 2010. These plans are due no later than 60 days after the date of enactment of this Act. The conference report withholds $20,000,000 of the total amount provided for Headquarters Administration from obligation until the detailed expenditure plans are received. TSA shall provide quarterly updates on EDS and checkpoint expenditures, on an airport-by-airport basis. These updates shall include information on the specific technologies to be purchased, project timelines, a schedule for obligation, and a table detailing actual versus anticipated unobligated balances at the close of the fiscal year, with an explanation of any deviation from the original plan. TSA may reassess and reallocate funds in the expenditure plan if new requirements occur throughout the fiscal year, after providing notification to the Committees on the change within the quarterly report.

Risk Assessments

As discussed in the Senate report, TSA is directed to submit expeditiously a report as directed in Senate report 110–396, related to risk analysis and resource allocations across all transportation modes. The report can be submitted in a classified or unclassified format.

FEDERAL AIR MARSHALS

The conference agreement provides $860,111,000 for the Federal Air Marshals (FAMs), as proposed by the House and Senate. Within the total appropriation provided, $762,569,000 is for management and administration and $97,542,000 is for travel and training. TSA shall continue to provide quarterly reports on the FAMs mission coverage, staffing levels, and hiring rates as directed in previous appropriations Acts.

As discussed in the House report, the conferees direct the Department to reassess the long-term staffing levels for FAMs. The assessment should include a determination of the appropriate mix of staff required on a day-to-day basis; an identification of the types and numbers of flights FAMs should regularly be assigned to; whether legislative changes may be necessary to better tailor how FAMs deploy on a daily basis; and a detailed discussion on the methodology used to justify this optimal staffing mix. This assessment is due no later than February 1, 2010.

COAST GUARD

OPERATING EXPENSES

The conference agreement provides $6,805,391,000 instead of $6,822,026,000 as proposed by the House and $6,838,291,000 as proposed by the Senate. Within this amount, $581,503,000 is available for defense-related activities, including $241,503,000 for overseas contingency operations. Funding for operating expenses shall be allocated as follows:

Military pay and allowances:	
Military pay and allowances	$2,718,493,000
Military health care	371,399,000
Permanent change of station	164,620,000
Subtotal, Military pay and allowances	3,254,512,000
Civilian pay and benefits	699,794,000
Training and recruiting:	
Training and education	103,417,000
Recruitment	102,761,000
Subtotal, Training and recruiting	206,178,000
Operating funds and unit level maintenance:	
Atlantic Command	177,474,000
Pacific Command	195,943,000
1st District	60,074,000
5th District	21,941,000
7th District	78,338,000
8th District	49,276,000
9th District	31,672,000
11th District	17,641,000
13th District	23,060,000
14th District	19,289,000
17th District	29,829,000
Headquarters directorates	288,630,000
Headquarters managed units	158,901,000
Other activities	882,000
Subtotal, Operating funds and unit level maintenance	1,152,950,000
Centrally managed accounts	334,275,000
Intermediate and depot level maintenance:	
Aeronautical	365,291,000
Electronic	155,101,000
Civil/ocean engineering and shore facilities	183,929,000
Vessel	211,858,000
Subtotal, intermediate and depot level maintenance	916,179,000
Overseas Contingency Operations	241,503,000
Total, Operating Expenses	$6,805,391,000

Overseas Contingency Operations

The conference agreement provides $241,503,000 for Coast Guard operations in support of overseas contingency operations requirements as proposed by the House and Senate. Funding for these activities was requested in the Department of Defense budget for the Navy. Consistent with actions taken in P.L. 111–32, the conferees have instead appropriated these funds directly to the Coast Guard. The conferees believe providing these funds within the appropriate agency budgets in annual appropriations, rather than by transfer in supplementals, improves visibility and opportunities for effective oversight. The Coast Guard may allocate these funds across its traditional PPAs in the Operating Expenses account, without regard to section 503 of this Act. The Coast Guard is directed to provide a plan no later than 60 days after the date of enactment of this Act on the distribution of these funds by PPA, and shall provide a quarterly report within 45 days of the end of each quarter on the actual and planned distribution of these funds.

Financial Management

The conferees direct the Coast Guard to provide a report on the progress of the Financial Strategy for Transformation and

Audit Readiness initiative no later than six months after the date of enactment of this Act, as outlined in the House report. Furthermore, the conferees direct the Coast Guard to periodically update the Committees on progress made toward attaining a clean audit, as proposed by the Senate.

Reporting Requirements Withholding

The conferees note that despite legislative mandates the Coast Guard has failed to produce an expenditure plan for the Integrated Deepwater Systems program, a Capital Investment Plan, or Quarterly Acquisition Reports in time to be of use during the fiscal year 2010 appropriations process. In an effort to encourage timely submissions to the Committees of materials necessary for robust and informed oversight, the conference report withholds $50,000,000 from obligation from the Coast Guard's Headquarters Directorates PPA until the Revised Deepwater Implementation Plan, a comprehensive five-year Capital Investment Plan for fiscal years 2011–2015, and the Quarterly Acquisition Report for the second quarter of fiscal year 2010 have been submitted to the Committees.

Biometrics at Sea

The conferees direct the Coast Guard to brief the Committees on its plans for the future growth of the Biometrics at Sea program no later than 60 days after the date of enactment of this Act, as outlined in the House report.

Counternarcotics Enforcement

The conferees provide $4,000,000 above the budget request to enhance Coast Guard counternarcotics enforcement efforts, instead of $5,735,000 as proposed by the House. No additional funding for this activity was proposed by the Senate. The Coast Guard is directed to report to the Committees no later than 15 days after the date of enactment of this Act on how these funds will be applied to specific counternarcotics programs. The application of these additional funds may include expansion of Airborne Use of Force and Law Enforcement Detachment capabilities and should be based upon the Coast Guard's most pressing resource needs related to counternarcotics enforcement in the source and transit zones.

Critical Depot Level Maintenance

The conference agreement provides $10,000,000 above the budget request to address the Coast Guard's significant backlog for critical depot level maintenance for aging surface, air, and shore assets, instead of $20,000,000 as proposed by the Senate and $5,000,000 as proposed by the House for cutter maintenance. These additional funds will address crew safety, habitability, hazardous materials remediation, emergency and scheduled maintenance, and spare parts availability requirements, as described in the Senate report.

Long Range Aids to Navigation—C (LORAN–C)

The conference agreement includes $12,000,000 above the request for LORAN–C, instead of $36,000,000 as proposed by the House and $18,000,000 as proposed by the Senate. The conference agreement includes and modifies a general provision (Sec. 559), as proposed by the Senate continuing LORAN–C operations through January 4, 2010. LORAN–C operations shall continue beyond that date unless the Commandant of the Coast Guard certifies that the termination of the LORAN–C signal will not adversely impact the safety of maritime navigation and the Secretary certifies that the LORAN–C system infrastructure is not needed as a backup to the Global Positioning System (GPS) or to meet any other Federal navigation requirement. If the Commandant and Secretary make such certifications, the Coast Guard shall commence a phased decommissioning of the LORAN–C infrastructure, and provide a detailed termination plan for the system to the Committees within 30 days of certification.

If the required certifications are met, section 559 also permits the Secretary to sell LORAN–C property to offset the costs of environmental compliance and restoration, including costs of securing and maintaining equipment that may be used as a backup to GPS.

Operations Systems Center

The conference agreement includes $3,600,000 above the budget request, as proposed by the Senate, for customized tenant improvements in conjunction with the Operations Systems Center (OSC) expansion project. The House provided no additional funding for this activity. The OSC continues to experience steady growth in both the number of systems being developed and the number of staff required to support those systems. Currently, 500 government and contractor personnel work at the OSC. The existing main facility space has been at capacity for four years and it will not accommodate the expected growth to over 900 staff. The Coast Guard is currently housing several employees in temporary trailers. The Coast Guard is directed to work with GSA to produce a prospectus no later than 60 days after the date of enactment of this Act for this expansion and to complete a competitively awarded lease.

Data Center Migration

The conference agreement provides no funds for Coast Guard data center migration as proposed by the House instead of $20,400,000 as proposed by the Senate.

Polar Icebreaking Operations and Maintenance Funding

The conferees expect polar icebreaking operations and maintenance budget authority and associated FTE to be included in the Coast Guard's budget request for fiscal year 2011. The National Science Foundation and Coast Guard shall update the existing Memorandum of Agreement to reflect the change in budget authority as proposed by the Senate. Furthermore, the conferees direct the Coast Guard to follow the direction regarding the high latitude study as outlined in the House report.

Invasive Species Protection

The conferees are concerned about the threat that harmful invasive species, such as the Asian carp, pose to the Great Lakes ecosystem. The conferees are aware that the Chicago Sanitary and Ship Canal second dispersal barrier recently went to higher operating parameters. The Coast Guard is encouraged to continue working in conjunction with the U.S. Army Corps of Engineers on any safety testing of the electrical parameters deemed necessary.

Watchstanders

The conference agreement provides $500,000 above the budget request to meet increased operational demands and to enhance situational awareness and information sharing in Coast Guard command centers, instead of an additional $1,000,000 as proposed by the Senate. The House proposed no additional funding for this activity.

Coast Guard Yard

The conferees recognize the Coast Guard Yard at Curtis Bay, Maryland, is a critical component of Coast Guard's core logistics capability that directly supports fleet readiness. The conferees further recognize the Yard has been a vital part of the Coast Guard's readiness and infrastructure for more than 100 years and believe that sufficient industrial work should be assigned to the Yard to maintain this capability.

Security of Liquefied Natural Gas Operations

The conferees direct the Secretary, in conjunction with the Commandant, to submit a report assessing whether the Coast Guard has sufficient resources to protect Liquefied Natural Gas (LNG) tankers and facilities, and recommendations for strengthening the Coast Guard's security role not later than six months after the date of enactment of this Act, as outlined in the Senate report. Furthermore, the conferees direct the Coast Guard to report to the Committees on the impact of a proposed LNG facility in Fall River, Massachusetts on boat traffic, as outlined in the Senate report, no later than six months after the date of enactment of this Act.

National Vessel Documentation Center

The conferees understand that user fee collections, which help offset the costs of Coast Guard activities at the National Vessel Documentation Center (NVDC), have decreased due to the economic downturn. The Coast Guard shall avoid any reduction in the NVDC's government-employed or contract staff levels ordinarily funded through proprietary receipts made available in this or any other Act by reassigning such staff to non-fee related Coast Guard activities.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement provides $13,198,000 for Environmental Compliance and Restoration as proposed by the House and Senate. The conferees direct the Coast Guard to provide the prioritized list outlining the Environmental Compliance and Restoration backlog and five-year restoration plan within six months after the date of enactment of this Act, as outlined in the House report.

RESERVE TRAINING

The conference agreement provides $133,632,000 for Reserve Training as proposed by the House and Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement provides $1,537,080,000 for Acquisition, Construction, and Improvements instead of $1,347,480,000 as proposed by the House and $1,597,580,000 as proposed by the Senate. Funding is provided as follows:

Vessels:	
Response boat medium ...	$121,000,000
Subtotal, Vessels	121,000,000
Other Equipment:	
National distress and response system modernization (Rescue 21) ..	117,000,000
HF recapitalization	2,500,000
Interagency Operations Centers (Command 21)	10,000,000
Subtotal, Other Equipment	129,500,000
Personnel and Related Support:	
Core acquisition costs	500,000
Direct personnel costs	104,700,000
Subtotal, Personnel and Related Support	105,200,000
Integrated Deepwater Systems:	
Aircraft:	
Maritime patrol aircraft	138,500,000
HH–60 conversion projects	45,900,000
HC–130H conversion/sustainment projects	45,300,000

HH–65 conversion project	38,000,000
C–130J fleet introduction	1,300,000
Subtotal, Aircraft	269,000,000
Surface Ships:	
National Security Cutter	389,480,000
Offshore Patrol Cutter	9,800,000
Fast Response Cutter	243,000,000
IDS small boats	3,000,000
Patrol Boat sustainment	23,000,000
Medium Endurance Cutter sustainment	31,100,000
Polar Icebreaker sustainment	27,300,000
High Endurance Cutter sustainment	4,000,000
Subtotal, Surface Ships	730,680,000
Technology Obsolescence Prevention	1,900,000
C4ISR	35,000,000
Logistics	37,700,000
Systems engineering and integration	35,000,000
Government program management	45,000,000
Subtotal, Integrated Deepwater Systems	$1,154,280,000
Shore Facilities and Aids to Navigation	27,100,000
Total, Acquisition, Construction, and Improvements	$1,537,080,000

Quarterly Acquisition Reports

The Commandant is directed to continue to submit quarterly acquisition and mission emphasis reports consistent with deadlines articulated under section 360 of division I of Public Law 108–7 and the fiscal year 2008 joint explanatory statement. The conferees note that the Coast Guard has adopted the practice of comparing cost, schedule, and performance estimates against the most recently approved baseline. This approach provides an incomplete assessment of an acquisition's progress against the original baseline. Therefore, the report shall compare current estimates against the original baseline and the most recent baseline, if available. This method is consistent with Department of Defense acquisition reporting policy and is recommended by GAO. When reporting on ''key project documents,'' it should be noted if approved documentation differs from that required by the Major Systems Acquisition Manual or the Department's Acquisition Review guidance. The reports should also indicate if a test and evaluation master plan has been approved for an asset. Finally, the acquisition reports shall include a stoplight chart that tracks key performance parameters of each asset through developmental and operational testing. The conferees note that Coast Guard consistently fails to meet the quarterly submission deadlines for these reports and find such poor compliance to be unacceptable.

Comprehensive Review of the Revised Deepwater Implementation Plan

The conferees note with emphasis the legislative requirement for the Secretary to submit a comprehensive review of the Revised Deepwater Implementation Plan (RDIP). The long standing requirements for this review are specific: a complete projection of the acquisition costs and schedule for the duration of the RDIP. The conferees expect this review to update the original RDIP estimated total cost of $24.2 billion and projected completion by fiscal year 2027. Furthermore, the review should clearly and comprehensively display the types and quantities of operational assets covered by the RDIP and the costs and schedule, by fiscal year and by asset, for the replacement or phase-out of legacy assets through refurbishment or acquisition. Since the recapitalization of the Coast Guard's cutters, aircraft, and C4ISR systems is a complex, multi-year, and integrated program, the conferees believe it is imperative to evaluate the complete acquisition program baseline, by asset, through the duration of the RDIP. Given that this RDIP review has been mandated in every annual appropriations Act for DHS since the first RDIP was established in November 2006, the conferees cannot foresee any justification for undue delay from DHS and the Coast Guard in submitting a review that fully complies with the specified requirements, including complete baseline costs. As noted previously in this statement, $50,000,000 is withheld from obligation from Coast Guard Headquarters Directorates until this RDIP review is submitted to the Committees, along with the Capital Investment Plan for fiscal years 2011–2015 and the Quarterly Acquisition Report for the second quarter of fiscal year 2010.

Response Boat—Medium

The conference agreement provides $121,000,000 for the Response Boat—Medium (RB–M) acquisition, instead of $103,000,000 as proposed by the House and $123,000,000 as proposed by the Senate. These funds support the purchase of 39 RB–Ms, nine more than requested.

Maritime Patrol Aircraft

The conference agreement provides $138,500,000 for the Maritime Patrol Aircraft acquisition as proposed by the House instead of $175,000,000 as proposed by the Senate. Funds are available for maritime patrol aircraft, mission pallets, simulator, and associated project costs. The Coast Guard is to brief the Committees no later than 30 days after the date of enactment of this Act on the planned distribution of these funds.

National Security Cutter

The conference agreement provides $389,480,000 for the National Security Cutter (NSC) acquisition as proposed by the Senate instead of $281,480,000 as proposed by the House. These funds are to complete production of NSC #4 and for long lead-time materials for NSC #5. The conferees direct the Coast Guard to finalize the integrated logistics plan for the NSC and to brief the Committees on it within 60 days of the date of enactment of this Act.

Offshore Patrol Cutter

The conferees direct the Coast Guard to brief the Committees by March 15, 2010, on the progress of its ongoing preliminary acquisition work on the Offshore Patrol Cutter, including the results of the requirements and alternatives analyses.

Fast Response Cutter

The conferees expect the Coast Guard to continue quarterly briefings on the status of the Fast Response Cutter procurement as outlined in the Senate report, including information on the effectiveness of its efforts to control cost growth in the program.

Polar Icebreaker Sustainment

The conference agreement provides an additional $32,500,000 to complete the reactivation and service life extension of the Coast Guard Cutter POLAR STAR as proposed by the Senate. No additional funding for this activity was proposed by the House. Of this amount, $5,200,000 is provided in the Acquisition, Construction, and Improvements direct personnel costs PPA. Funds shall be applied as specified in the Senate report. The conferees believe returning POLAR STAR to operational status is vital to national interests in the polar regions. According to the Coast Guard the only existing operational heavy icebreaker, the POLAR SEA, has only five years of service life remaining. The absence of requested funding to complete fiscal year 2009 efforts to reactivate POLAR STAR, combined with the lack of compliance with standing Congressional direction on the polar icebreaking budget, implies a broader lack of commitment to sustaining polar capabilities and achieving long-term, strategic objectives in the Arctic. The conferees direct the Coast Guard to brief the Committees no later than December 15, 2009, on the program execution plan for reactivation of POLAR STAR and the status of resources required to achieve mission requirements for polar operations.

High Endurance Cutter Sustainment

The conference agreement provides $4,000,000 above the request for pre-acquisition survey and design to determine the requirements for a maintenance effectiveness project for the High Endurance Cutter, instead of the $8,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. The conferees direct the Coast Guard to brief the Committees no later than 60 days after the date of enactment of this Act on preliminary plans for this effort, as proposed by the Senate.

Interagency Operations Centers (Command 21)

The conference agreement provides $10,000,000 for Interagency Operations Centers instead of $28,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. Within 90 days after the date of enactment of this Act, the Coast Guard shall submit an expenditure plan for these funds as outlined in the Senate report.

Shore Facilities and Aids to Navigation

The conference agreement provides $27,100,000 for shore facilities and aids to navigation as proposed by the Senate instead of $10,000,000 as proposed by the House. The conferees direct the Coast Guard to provide the Committees with a prioritized list of projects in the current construction backlog by January 15, 2010, and the Coast Guard's plan to address them.

The conferees continue to be concerned with the condition of the Coast Guard Academy pier. The conference agreement includes $300,000 for survey and design costs for this project as proposed by the Senate.

The conference agreement also includes $16,800,000, as proposed by the Senate, to complete the project proposal to renovate, improve, or construct a new Station and Marine Safety Unit Cleveland Harbor, Ohio, and to begin work on this project. The Coast Guard should take a phased approach to this project to fully utilize the funds available.

In addition, the conference agreement includes a general provision, as proposed by the House, authorizing the Coast Guard to use previously appropriated funds for the consolidation of Sector Buffalo to enhance public access to the Buffalo Lighthouse. The Coast Guard is directed to brief the Committees within 90 days after the date of enactment of this Act on how this aspect of the project will be completed by the end of fiscal year 2011.

Hiring Authorities

The conferees encourage the Coast Guard to work with the appropriate authorizing committees of Congress to ensure that its hiring authorities are on par with those of the other armed services, as recommended by the Senate. Furthermore, the conferees direct the Coast Guard to brief the Committees no later than 60 days after the date of

enactment of this Act on efforts to reduce reliance on contractors performing inherently governmental work, as proposed by the Senate.

Great Lakes Icebreaking

The conferees direct the Coast Guard to conduct an alternatives analysis for Great Lakes icebreaking and submit it to the Committees no later than four months after the date of enactment of this Act, as outlined in the Senate report.

Government Accountability Office Reviews

The conferees direct the GAO to continue its oversight of the Deepwater Program. In addition to the programs highlighted in the Senate report, GAO should focus on programs nearing critical decision points, such as the Fast Response Cutter, Maritime Patrol Aircraft, and C4ISR, as well as continuing its ongoing work reviewing the acquisition of the NSC and changes made to acquisition processes and policies at both the component and Departmental level that will affect how the Coast Guard functions as systems integrator. The conferees expect GAO to review Coast Guard expenditure plans once they are transmitted to the Committees.

ALTERATION OF BRIDGES

The conference agreement provides $4,000,000 for Alteration of Bridges, as proposed by the Senate instead of $10,000,000 as proposed by the House. Funding is provided for alteration of the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conference agreement provides $24,745,000 for Research, Development, Test, and Evaluation instead of $19,745,000 as proposed by the House and $29,745,000 as proposed by the Senate. Within this total is $5,000,000 above the request for unmanned aircraft system (UAS) priority research, instead of $10,000,000 as proposed by the Senate. No additional funding for this activity was proposed by the House. The conferees direct the Coast Guard to provide periodic updates on the research schedule, findings, and implications for potential acquisition and deployment of UAS resources, as noted in both the House and Senate reports.

The conferees direct the Coast Guard to report to the Committees on how the research projects outlined in the request will be supported, including development of freshwater ballast treatment technologies, within 90 days after the date of enactment of this Act, as outlined in the House report.

RETIRED PAY

The conference agreement provides $1,361,245,000 for retired pay as proposed by the House and the Senate.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The bill provides $1,478,669,000 for Secret Service Salaries and Expenses instead of $1,457,409,000 as proposed by the House and $1,482,709,000 as proposed by the Senate. The funds should be allocated as follows:

Protection:	
Protection of Persons and Facilities	$755,521,000
Protective Intelligence Activities	67,824,000
National Special Security Event Fund	1,000,000
White House mail screening	22,415,000
Subtotal, Protection	846,760,000
Investigations:	
Domestic Field Operations	260,892,000
International Field Office Administration, Operations, and Training	30,705,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces	56,541,000
Support for missing and exploited children	8,366,000
Subtotal, Investigations	356,504,000
Headquarters, Management and Administration	221,045,000
Training:	
Rowley Training Center	54,360,000
Total, U.S. Secret Service, Salaries and Expenses	$1,478,669,000

SECRET SERVICE FINANCIAL MANAGEMENT

On June 30, 2009, the Department of Homeland Security notified Congress that the Secret Service expended $5,100,000 more than had been appropriated for Presidential campaign protection in fiscal year 2009. In order to rectify this shortfall, the Committees directed the Secret Service to reallocate appropriations originally provided in the Omnibus Appropriations Act, 2009, to expand the agency's protective mission. This reallocation was supported by information provided to the Committees showing that the Secret Service planned to hire fewer Special Agents in fiscal year 2009 than had originally been planned.

The conferees are extremely concerned that it took the Department and the Secret Service more than seven months to notify the Congress of the campaign protection cost overruns. At a minimum, this ex post facto reporting violated section 503 of the Department of Homeland Security Appropriations Act, 2009, which requires the Department to notify the Congress in advance of any proposals to reprogram or transfer appropriated funds. The conferees are concerned that such action may have violated the Anti-Deficiency Act, which prohibits any executive branch employee from obligating or expending funds in excess of levels appropriated by Congress. As a result of these concerns, the conferees direct the Comptroller General to investigate this situation, report to the Committees on whether the Department's action violated these laws, and identify all actions taken or recommended to be taken to address and correct any violation.

In addition, the conferees note this is not the first incidence of budgetary execution problems at the Secret Service. A similar disregard of budgetary limitations occurred at the end of the 2004 Presidential campaign and again after the 2005 United Nations General Assembly meeting. Concerns regarding the Secret Service's ability to provide timely information on budget execution to the Committees were explicitly discussed in House Report 109–476, including direction on corrective actions. Furthermore, the Secret Service has already indicated that its protective responsibilities in fiscal year 2010 will include more protectees than budgeted, raising the possibility that fiscal year 2010 resources for the Secret Service protective mission may prove inadequate. Therefore, the conferees direct the Department of Homeland Security Chief Financial Officer and the United States Secret Service Assistant Director for Administration to brief the Committees not later than 30 days after the date of enactment of this Act on the process that will be implemented in fiscal year 2010 to ensure such problems do not reoccur. The President should seek additional funds if a shortfall is identified, or the Department should seek a transfer or reprogramming of funds in accordance with section 503 of this Act.

Secret Service Information Technology Modernization

The conference agreement provides $33,960,000 for Secret Service information technology modernization as proposed by the Senate instead of $12,700,000 as proposed by the House. The conferees include statutory language prohibiting the obligation of these funds for any information technology equipment purchases until the DHS Chief Information Officer (CIO) certifies to the Committees that Secret Service information technology modernization is consistent with DHS guidance for data center consolidation and enterprise architecture requirements.

The Secret Service is to work with the DHS CIO to develop a transition plan to integrate the agency's data center consolidation efforts, as proposed by the House; and the Secret Service and DHS CIO are to provide semi-annual briefings to the Committees on progress in upgrading IT systems and programs, as proposed by the Senate.

Uniformed Division Modernization

The conference agreement does not provide the requested $4,040,000 for implementation of the proposed Uniformed Division Modernization Act (UDMA) as proposed by the House instead of the $4,040,000 proposed by the Senate. While the relevant authorizing committees of jurisdiction have begun the legislative process to enact such reforms and the conferees are supportive of these reforms, it is not clear when this work will be complete. If the proposed UDMA is enacted into law in fiscal year 2010, the Committees are willing to work with the Administration to implement such reforms expeditiously.

New Secret Service Offices and Locations

The conference agreement includes funding for operations of the Tallinn, Estonia, international field office, as requested in the budget. At the end of fiscal year 2009, the Secret Service determined that the best location from which to combat emerging electronic crime threats in the Baltic States is Tallinn, and informed the Committees of this decision when it proposed using a portion of that year's international operations appropriation to open the office. The Committees subsequently approved this expansion.

Given concerns that the Secret Service has opened other new permanent offices without notifying the Congress, the conference report includes a statutory requirement that the Secret Service notify the Committees in advance of obligating any funds to open a new permanent domestic or overseas Secret Service office or location.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conference agreement provides $3,975,000 for Acquisition, Construction, Improvements, and Related Expenses as proposed by both the House and the Senate.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

The conference agreement provides $44,577,000 for Management and Administration of the National Protection and Programs Directorate (NPPD), as proposed by both the House and the Senate. As discussed in the Senate report, the Under Secretary is directed to provide quarterly briefings to the Committees on the specific use of resources. In addition, the conferees direct NPPD to submit to the Committees, within 60 days after the date of enactment of this Act, an

expenditure plan for the Office of Risk Management and Analysis.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The conference agreement provides $899,416,000 for Infrastructure Protection and Information Security (IPIS) instead of $883,346,000 as proposed by the House and $901,416,000 as proposed by the Senate. Funding levels by activity are as follows:

Infrastructure Protection:	
Identification and Analysis	$90,610,000
Coordination and Information Sharing	59,582,000
Mitigation Programs	197,111,000
Subtotal, Infrastructure Protection	347,303,000
National Cyber Security Division:	
U.S. Computer Emergency Response Team (US–CERT)	323,629,000
Strategic Initiatives	64,179,000
Outreach and Programs	9,346,000
Subtotal, National Cyber Security Division	397,154,000
Office of Emergency Communications	45,060,000
National Security/Emergency Preparedness (NS/EP) Telecommunications:	
Priority Telecommunications Services	56,773,000
Next Generation Networks	25,000,000
Programs to Study and Enhance Telecommunications	16,774,000
Critical Infrastructure Protection Programs	11,352,000
Subtotal, NS/EP Telecommunications	109,899,000
Total, Infrastructure Protection and Information Security	$899,416,000

Budget Structure

As discussed in the House report and regardless of any alternative budget structures that may be proposed, the NPPD Chief Financial Officer is directed to submit the fiscal year 2011 budget in a PPA structure identical, by account, to that enacted in this Act and as presented in this statement. Furthermore, any report, briefing, or explanatory materials submitted to the Committees in fiscal year 2010 should present funding in this same structure.

Infrastructure Protection—Identification and Analysis

The conference agreement provides $90,610,000 for Identification and Analysis as proposed by the Senate instead of $86,610,000 as proposed by the House. This amount includes $26,521,000 for Vulnerability Assessments and $20,000,000 for the National Infrastructure Simulation and Analysis Center (NISAC). As discussed in the Senate report, the conferees encourage NISAC to continue to work with the National Incident Management Systems and Advanced Technologies Institute at the University of Louisiana at Lafayette.

Infrastructure Protection—Coordination and Information Sharing

The conference agreement provides $59,582,000 for Coordination and Information Sharing as proposed by the Senate instead of $62,912,000 as proposed by the House. This amount includes a $9,000,000 increase from the budget request level for National Infrastructure Protection Plan implementation and Critical Infrastructure/Key Resources partnership management. Within 15 days after the date of enactment of this Act, the NPPD Chief Financial Officer shall provide the Committees an explanation of how this additional funding will be divided between these two activities.

Infrastructure Protection—Mitigation Programs

The conference agreement provides $197,111,000 for Mitigation Programs instead of $196,961,000 as proposed by the House and $196,111,000 as proposed by the Senate. This amount includes $14,768,000 for the Office of Bombing Prevention as proposed by the Senate instead of $14,618,000 as proposed by the House. As discussed in the House report, $1,000,000 is for infrastructure and crime monitoring cameras in the City of Philadelphia, Pennsylvania. As discussed in the Senate report, the conferees encourage the Office of Infrastructure Protection to work with the University of Southern Mississippi to address the range of potential and actual threats and risks to the on-going safety and security at venues with large crowds.

National Cyber Security Division—U.S. Computer Emergency Response Team (US–CERT)

The conference agreement provides $323,629,000 for the National Cyber Security Division (NCSD) US–CERT program instead of $310,629,000 as proposed by the House and $331,629,000 as proposed by the Senate. Within the total provided, the conferees provide $5,000,000 for the Cyber Security Coordination program. In addition, the conferees direct the Department to utilize any unobligated balances from the now-discontinued National Cyber Security Center for this coordinating function. As discussed in the Senate report, the conference agreement provides $8,000,000 for data center migration activities.

National Cyber Security Division—Strategic Initiatives

The conference agreement provides $64,179,000 for NCSD Strategic Initiatives as proposed by the House instead of $57,679,000 as proposed by the Senate. As discussed in the House report, the total amount includes: $3,500,000 for a Cyber Security Test Bed and Evaluation Center in Research Triangle Park, North Carolina; $3,500,000 for cyber security training at the University of Texas at San Antonio; $3,000,000 for the Multi-State Information Sharing and Analysis Center (MS–ISAC) at the New York Office of State Cyber Security and Critical Infrastructure Coordination; $3,000,000 for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory, Idaho; $500,000 for Virginia's Operational Integration Cyber Center of Excellence (VOICCE) in Hampton, Virginia; and $100,000 for the Upstate New York Cyber Initiative at Clarkson University.

National Cyber Security Division—Outreach and Programs

The conference agreement provides $9,346,000 for NCSD Outreach and Programs as proposed by the Senate instead of $7,096,000 as proposed by the House. Within this amount, the conference agreement provides $2,250,000 for the Cyber Security Information Sharing and Collaboration program as requested in the budget.

Nationwide Cyber Security Review

The conferees note the importance of a comprehensive effort to assess the security level of cyberspace at all levels of government. To accomplish this, cyber network security assessment tools must first be in place; however, the conferees understand that no such tools currently exist. Given this, the conferees do not require the Secretary to provide a report by June 1, 2010, on the status of cyber security measures in States and large urban areas, as proposed in the Senate report. Instead, NPPD, in cooperation with FEMA and relevant stakeholders, shall develop the necessary tools for all levels of government to complete a cyber network security assessment so that a full measure of gaps and capabilities can be completed in the near future. NPPD, in conjunction with FEMA, shall brief the Committees within 60 days after the date of enactment of this Act on the specific timeframes and deliverables necessary to complete the development and execution of such tools in order to complete such an assessment by June 2011.

Office of Emergency Communications

The conference agreement provides $45,060,000 for the Office of Emergency Communications (OEC) as proposed by the House and instead of $44,060,000 as proposed by the Senate. As discussed in the House report, $1,000,000 of this amount is for SEARCH of Sacramento, California, to provide interoperable communications, training, certification, technical assistance, and outreach programs to State, regional, and local first responder communications coordinators. As discussed in the Senate report, the conferees are concerned that OEC has been slow to establish Emergency Preparedness Communications Centers (ECPC) and direct GAO to evaluate progress made to initiate this program and any obstacles to Federal coordination through ECPC.

National Security/Emergency Preparedness Telecommunications—Next Generation Networks

The conference agreement provides $25,000,000 for the Next Generation Networks (NGN) program as proposed by both the House and the Senate. Given that it took NPPD more than eight months to submit a fiscal year 2009 NGN expenditure plan that did not fulfill all of the requirements specified by Congress, the conferees direct NPPD to submit a fiscal year 2010 expenditure plan for this program within 60 days after the date of enactment of this Act and withhold half of the appropriation until the Committees approve the plan.

National Security/Emergency Preparedness Telecommunications—Programs to Study and Enhance Telecommunications

The conference agreement provides $16,774,000 for Programs to Enhance and Study Telecommunications (PSET) as proposed by both the House and Senate. The conference agreement does not provide the budget request for the proposed Continuity Communications Architecture program but does not preclude the use of other PSET funds for this purpose, pursuant to section 503 of this Act.

National Security/Emergency Preparedness Telecommunications—Critical Infrastructure Protection Programs

The conference agreement provides $11,352,000 for Critical Infrastructure Protection Programs as proposed by the House instead of $13,852,000 as proposed by the Senate. No funding is included for the Regional Communications Coordinators program.

National Security/Emergency Preparedness Telecommunications—National Command and Coordination Capability

As discussed in the House report, the conferees provide no funding for the National Command and Coordination Capability (NCCC) since the budget proposed discontinuation of this program. In addition, the conference agreement includes a general provision rescinding $8,000,000 in unobligated balances from NPPD. This rescission should

include unobligated prior-year appropriations made for NCCC. The conferees direct the NPPD Chief Financial Officer to report on the distribution of this rescission by program, project, and activity to the Committees within 15 days after the date of enactment of this Act.

FEDERAL PROTECTIVE SERVICE

Management Restructuring

The conference agreement supports the realignment of Federal Protective Service (FPS) operations from ICE to NPPD as proposed by the Senate instead of retaining FPS in ICE as proposed by the House. The conferees expect the Secretary and the Deputy Secretary to take responsibility for overseeing an effective transition. DHS managers overseeing this transition are instructed to brief the Committees on progress transferring FPS to NPPD at least semi-annually, starting no later than January 15, 2010, as discussed in the Senate report. The content of this briefing should include at a minimum as much detail as the transition plan discussed in the House report, which was submitted to the Committees on August 21, 2009.

FPS Resources

Given that the Committees have, for the past two years, expressed concern about the adequacy of the FPS police force to protect Federal workers and buildings nation-wide, the conferees are troubled that information explaining the transition of FPS to NPPD estimates an increase in overhead charges that FPS will pay to NPPD but does not identify the source from which these funds will be found. Since FPS is funded through the collection of security fees from other agencies, the conference agreement continues a provision included in the last two Department of Homeland Security Appropriations Acts that requires the Administration to certify that FPS will collect adequate fees to employ not less than 1,200 FPS employees including at least 900 in-service field staff. The conferees direct that any additional costs for administrative overhead charged to FPS not reduce the staffing levels at the agency below the number of employees as of September 30, 2009. The conferees expect that the total amount required for administrative costs will be identified in the 2011 budget.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

The conference agreement provides $373,762,000 for United States Visitor and Immigrant Status Indicator Technology (US-VISIT) instead of $351,800,000 as proposed by the House and $378,194,000 as proposed by the Senate. Of this amount, $75,000,000 may not be obligated until the Committees receive, not later than 90 days after the date of enactment of this Act, an expenditure plan that meets the statutory conditions specified under the US-VISIT heading in Public Law 110–329.

Within the total amount provided is $118,692,000 for Program Management Services; $31,000,000 for Identity Management and Screening Services; $28,700,000 for Unique Identity; and $22,000,000 for development and implementation of a biometric air exit solution. It also includes, as requested in the budget, $128,126,000 for Operations and Maintenance, and $45,244,000 for data center migration.

The conference report provides that $28,000,000 in prior year balances shall remain available until expended solely for implementation of a biometric air exit capability.

Biometric Exit

The conferees support the implementation of a biometric exit solution as soon as possible. The conferees have provided a total of $50,000,000 for implementation of a biometric air exit capability, and expect to see regular and material progress made towards a solution for exit at all ports of entry. The conferees expect DHS, through US-VISIT and its other component agencies, to leverage current infrastructure improvement initiatives such as WHTI and Southwest border outbound inspection to facilitate biometric exit solutions. The conferees direct DHS to submit its land exit planning document to the Committees as soon as it is completed and to continue to provide quarterly briefings on biometric exit implementation to the Committees, beginning November 1, 2009. The briefings should cover the status of air exit implementation, prospects for other exit solutions, and the status of discussions with Canada and Mexico on sharing immigration information to improve the ability to track departures. The monthly reports on implementation of biometric entrance and exit are no longer required.

Staffing and Contractor Support

The conferees direct US-VISIT to provide quarterly briefings to the Committees on its hiring and position conversion efforts, as called for in the House report. These briefings should be provided at the same time as the biometric exit briefings.

OFFICE OF HEALTH AFFAIRS

The conference agreement provides $139,250,000 for the Office of Health Affairs (OHA) instead of $128,400,000 as proposed by the House and $135,000,000 as proposed by the Senate. Within the amount provided is $5,000,000 as proposed by the House, for the North Carolina Collaboratory for Bio-Preparedness for a demonstration project for the development of a statewide system to analyze public health trends and detect incidents.

Also included is $89,513,000 for BioWatch as proposed by the Senate instead of $79,413,000 as proposed by the House. The funding shall be used to maintain the remaining first and second generation baseline biosurveillance capability and to complete the Generation 3 prototype unit field testing, perform data analysis, and verify the performance of the technology. The conferees remain committed to supporting DHS in its task of establishing a viable detection system but remain concerned that the plans for this security imperative are adrift. Therefore, OHA is directed to provide an expenditure plan with specific milestones for implementation, broken out by technology generation, to the Committees within 60 days of the date of enactment of this Act. The conferees further direct OHA to report quarterly on the deployment of any BioWatch device to new locations.

The conferees are especially troubled by the continual delays in OHA's testing and evaluation of biosurveillance technology. The conferees are aware that OHA issued a request for proposal permitting a wide range of applicants to submit technologies for Generation 3. OHA is in the process of testing technologies to determine which ones best meet the nation's biodetection needs. The conferees expect the Science and Technology Directorate to be intricately involved in the test and evaluation of the BioWatch Generation 3 systems. Additionally, the conferees note that the National Assessment Group will provide an independent review of the test and evaluation process. Due to deficiencies that have arisen with the previous BioWatch generation technologies, there is an urgent need to complete research and development of Generation 3 systems over the next year, providing for operational deployment starting in fiscal year 2011.

A total of $3,726,000 has been provided for Planning and Coordination instead of $2,976,000 as proposed by the House and $4,476,000 as proposed by the Senate. The funding above the budget request is provided for OHA's Office of Medical Readiness in support of its role in planning for pandemic flu and activities related to the Food, Agricultural and Veterinary Defense Division.

The conferees note the important role of DHS in Project BioShield under Section 319F–2 of the Public Health Service Act shall not be modified, as outlined in the Senate report.

The conferees are concerned that systems purchased by State and local governments to detect chemical and biological substances that are not validated will be unable to accurately detect harmful pathogens. OHA is directed to work with the Federal Emergency Management Agency to ensure that grant requests are only approved for such systems that are proven to be adequate to detect harmful pathogens and provide accurate information for the health and safety of first responders and citizens.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

The conference agreement provides a total of $903,250,000 for Federal Emergency Management Agency (FEMA) Management and Administration. Within this total is a direct appropriation of $797,650,000 for FEMA Management and Administration instead of $844,500,000 as proposed by the House and $859,700,000 as proposed by the Senate. An additional $105,600,000 shall be transferred from the Disaster Relief fund for management and administrative functions instead of $90,080,000 as proposed by the House and $50,000,000 as proposed by the Senate. Together with amounts made available for management and administration from grant accounts and the transfer from the Disaster Relief fund, management and administration activities are funded at $9,379,000 above fiscal year 2009.

Of the amount provided, the conference agreement includes: $9,000,000 for the Emergency Management Institute; $5,900,000 for data center migration; $150,000 for FEMA international best practices; up to $10,000,000 for underground storage tank remediation; $2,945,000 for the Office of Environmental Planning and Historic Preservation; $65,201,000 for Information Technology Services; $2,500,000 for Ready.gov; $2,156,000 for the National Hurricane Program; $10,281,000 for the National Dam Safety Program; and $8,977,000 for the National Earthquake Hazards Reduction Program.

Mount Weather Emergency Operations Center Capital Improvements

The conference agreement provides $36,300,000, to remain available until September 30, 2011, for capital improvements at the Mount Weather Emergency Operations Center (MWEOC), as proposed by the House instead of $49,913,000 as proposed by the Senate. The explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2009, required FEMA to submit a MWEOC capital improvement plan to allow the Committees to better determine the needed investments for this strategic facility. However, nearly a year later, the Committees still have not received the plan. The conferees understand that there are sizable unobligated balances for capital improvements from prior year appropriations that will ensure critical work can take place. The conferees, however, are concerned with the lack of visibility into the planning, finances, and future costs associated with the improvements at this important facility. Therefore, the conferees direct FEMA to provide a report, not later than 180 days after the date of enactment of this Act,

with detailed information on all MWEOC capital improvement funding. The report shall include a historical accounting of funding for MWEOC beginning with fiscal year 1997, including funding made available and obligations made in each fiscal year. Further, included in the report shall be a review by the DHS Office of General Counsel of all authorities used to execute that funding, including the authority to administer the MWEOC Working Capital Fund. The report should clearly list any amounts transferred to the fund from DHS entities as well as other federal sources in each fiscal year. The conferees further direct the Administration to provide the capital improvement plan required in fiscal year 2009 without delay.

Budget Submissions

The conference agreement continues a provision directing FEMA to submit its fiscal year 2011 budget request by office as directed by the House and Senate. FEMA is directed to notify the Committees within 15 days if any office receives or transfers out more than 5 percent of the total amount allocated to each office.

National Incident Management System

The conference agreement includes an additional $8,000,000 above the budget request instead of $9,000,000 as proposed by the House to support and enhance ongoing incident management efforts as specified in the House report. The Senate did not provide additional funding for these activities. The conferees direct FEMA to ensure that all communities are educated and trained on the National Incident Management System.

FEMA Workforce

The conferees note the severe budget problems FEMA has sustained related to a structural pay shortfall. The conferees have directed the IG to investigate FEMA's hiring practices and to determine if the $35,000,000 requested in the budget is sufficient to rectify this known shortfall. FEMA is directed to provide a briefing on the specific processes in place to prevent discrepancies in onboard staff and the funds needed to sustain them in the future.

The conference agreement provides $2,000,000 for FEMA to partner with the DHS Homeland Security Studies and Analysis Institute to conduct a study of FEMA's human capital resources instead of $2,250,000 as proposed by the Senate. The House did not include funding for this activity. The study shall include recommendations as required in the Senate report.

International Affairs Office

The conference agreement provides an additional $150,000 to support staff travel to foreign countries after disasters to offer and receive best practices and solutions instead of $300,000 as proposed by the House. The Senate did not propose additional funding for this program. The conferees direct FEMA to submit an expenditure plan for these funds by April 1, 2010, describing funds spent by that date, as well as how the remainder of funds will be spent during the fiscal year. The report should clearly describe how FEMA will apply and share the specific best practices garnered by the time of the report and what specifically will be sought on future trips.

Local, State, Tribal, and Federal Task Force

The conferees recognize that since September 11, 2001, there has been a rush to increase, restructure, and reinvest in preparedness, response, recovery, and mitigation policies and capabilities. This effort was reemphasized after Hurricane Katrina. Major preparedness and response policies have been developed or reshaped including: the National Preparedness Guidance; National Incident Management System; the National Response Framework; Comprehensive Planning Guidance; Disaster Housing Strategy; and Hazard Mitigation Assistance. Countless guidance documents have been issued to address specific issues or disasters. Additionally, over $27,000,000,000 has been invested by the federal government in grants, and an untold amount at the local and State level. These investments have provided equipment to make our public infrastructure safer, our first responders better protected and prepared to respond to all hazards, and to ensure a more coordinated effort among the levels of government. Efforts to fully assess these investments and improved capabilities have not yet come to fruition although disparate attempts to find a more comprehensive measure through programs such as Cost-to-Capability, the Target Capabilities List, and the Comprehensive Assessment System are ongoing.

The conferees note that tremendous time and fiscal investments into preparedness have been made to date and believe it is time to take stock of such efforts to find ways to ensure the most efficient investments are made in the future. The reality of a constricted economy and competing interests make it imperative that current efforts related to homeland security and all-hazards response and recovery be streamlined. Therefore, the National Preparedness Directorate (NPD), in cooperation with the Office of Intergovernmental Affairs, shall lead the administrative effort of a Local, State, Tribal, and Federal preparedness task force. The task force is charged with making recommendations for all levels of government regarding: disaster and emergency guidance and policy; federal grants; and federal requirements, including measuring efforts. The task force shall especially evaluate: which policies and guidance need updating, and the most appropriate process by which to update them; which grant programs work the most efficiently and where programs can be improved; and the most appropriate way to collectively assess our capabilities and our capability gaps. Representation on the task force shall include: decision makers and practitioners from all disciplines including, but not limited to, firefighters, law enforcement, emergency management, health care, public works, development organizations, mitigation, and information technology; elected officials; and the private sector. NPD is directed to brief the Committees within 45 days after the date of enactment of this Act on its approach to establishing this task force and milestones for accomplishment.

FEMA Guidelines and Policies

The conferees remain concerned that, in the past, grant guidance and policies have been used to alter major programs that impact State and local partners with little or no visibility to the incorporation of stakeholder input, if even solicited. As an interim step, while the Local, State, Tribal, and Federal Task Force is conducting its reviews, the conferees direct the Administrator of FEMA to report to the Committees no later than 60 days after the date of enactment of this Act on how the agency currently reviews policies and guidance and the process used to modify policies and guidance. The report should also include information on how the agency intends to amend its process for modifying grant guidance and policies to better obtain and incorporate public and stakeholder input. The report should include a detailed description of the impact of other participants in the policy process, such as DHS leadership, the Office of Management and Budget, and other White House offices. This report should build on the Stakeholder Engagement Plan provided in response to the requirement in the statement accompanying the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 (P.L. 110–329), which provided an explanation of the adjudication process on public comments for grant programs. Furthermore, the conferees direct FEMA to present policy changes and new policies to the National Advisory Council (NAC) on a quarterly basis. The conferees do not require FEMA to post policy changes online five days prior to implementation, as described in the House report. Instead, all current FEMA policies and guidance should be clearly placed on the website in an accessible and user-friendly way with updates posted in a timely manner.

Nationwide Plan Review Update

The conferees direct FEMA to provide an update on the status of catastrophic planning, including mass evacuation planning, in all 50 States and the 75 largest urban areas, by April 16, 2010, as discussed in the Senate report.

Nuclear Preparedness

The conferees note that a Nuclear Incident Communication Planning report and Planning Guidance for Response to a Nuclear Detonation have been issued, in accordance with direction provided in House Report 110–107. The report and guidance provide critical information that should be made available to the public on how to respond to a nuclear event. FEMA shall brief the Committees not later than 30 days after the date of enactment of this Act on how the information in the report and guidance will be incorporated into preparedness and public information activities.

Nationwide Cyber Security Review

The conferees, as described previously, require NPPD to lead the effort to develop, in conjunction with FEMA, tools to assess cyber network security.

Post Disaster Housing

FEMA is directed to report to the Committees, not later than 60 days after the date of enactment of this Act, regarding the plan for acquisition of alternative temporary housing units and procedures for expanding repair of existing multi-family rental housing units, semi-permanent, or permanent housing options, as authorized under section 689i(a) of the Post-Katrina Emergency Management Reform Act of 2006.

U.S. Fire Service Needs Assessment

FEMA, in conjunction with the National Fire Protection Association, is directed to provide to the Committees, no later than April 9, 2010, an update to the U.S. Fire Service Needs Assessment. The update shall be consistent with the last assessment completed in February 2006 in its scope and methodology.

Office of National Capital Region Coordination

The conference agreement provides $6,995,000 for the Office of National Capital Region Coordination as proposed by both the House and the Senate. The conference report includes a provision requiring the inclusion of the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the National Capital Region decision-making and planning process for mass evacuation. The Department is directed to include officials from the counties and municipalities that contain the evacuation routes and their tributaries into the planning process.

Special Populations

The conferees direct FEMA to consider utilizing the National Virtual Translation Center (NVTC) to enhance its translation services. FEMA is to report to the Committees,

as specified in the House report, on possible uses of NVTC.

STATE AND LOCAL PROGRAMS

(Including Transfer of Funds)

The conference agreement provides $3,015,200,000 for State and Local Programs, instead of $2,836,000,000 as proposed by the House and $3,067,200,000 as proposed by the Senate. Funding is allocated as follows:

State Homeland Security Grant Program	$950,000,000
Urban Area Security Initiative	887,000,000
Regional Catastrophic Preparedness Grants	35,000,000
Metropolitan Medical Response System	41,000,000
Citizen Corps Program	13,000,000
Public Transportation Security Assistance and Railroad Security Assistance	300,000,000
Port Security Grants	300,000,000
Over-the-Road Bus Security Assistance	12,000,000
Buffer Zone Protection Program Grants	50,000,000
Driver's License Security Grant Program	50,000,000
Interoperable Emergency Communications Grant Program	50,000,000
Emergency Operations Centers	60,000,000
National Programs:	
National Domestic Preparedness Consortium	164,500,000
Center for Counterterrorism and Cybercrime	1,700,000
National Exercise Program	40,000,000
Technical Assistance	13,000,000
Continuing Training Grants	29,000,000
Evaluations and Assessments	16,000,000
Rural Domestic Preparedness Consortium	3,000,000
Subtotal, National Programs	267,200,000
Total, State and Local Programs	$3,015,200,000

The conference agreement includes the following provisions: directing the transfer of four percent of State and Local Programs funding to the FEMA Management and Administration account, and requiring the submission of an expenditure plan within 60 days of the date of enactment of this Act on the use of those administrative funds; designating certain timeframes for grant processing; requiring grantees to provide reports as determined necessary by the Secretary; and providing that the installation of communications towers is not considered construction of a building or other physical facility under the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI).

The conferees include a general provision requiring FEMA to brief the Committees five days prior to any announcement of State and Local Programs grants awards. Such briefings shall include detailed information on the risk analysis employed, the process for determining effectiveness, the process or formula used for selecting grantees, and any changes to methodologies used in the previous fiscal year. In lieu of the Senate reporting requirement on grant guidance, the conferees require that information on funding that will be used for planning and recovery, especially for transit security and port security, be included in these briefings.

The conferees support the consideration of the needs for mass evacuation planning and pre-positioning of equipment for areas potentially impacted by mass evacuations in allocating first responder funds.

The conferees encourage the Department to work with State and local governments and all grantees to develop pre-event recovery plans in conjunction with their response and mitigation plans. FEMA is further encouraged to require State and local governments to include tribal governments, rural water associations, and chief information officers in planning efforts.

State Homeland Security Grant Program

The conference agreement provides $950,000,000 for the State Homeland Security Grant Program, as proposed by both the House and the Senate. Of the total amount $60,000,000 is for Operation Stonegarden as proposed by both the House and the Senate. The Department shall implement the program as discussed in the House report. Further, the Department is encouraged to give consideration to applications that are coordinated across multiple jurisdictions.

The conferees encourage the Department to clarify that the Western Hemisphere Travel Initiative (WHTI) implementation activities, including issuance of WHTI-compliant tribal identification cards, are eligible under this grant program.

Urban Area Security Initiative

The conference agreement provides $887,000,000 for UASI grants, as proposed by the Senate instead of $890,000,000 as proposed by the House. Within this funding, $19,000,000 is provided for grants to non-profit organizations determined by the Secretary to be at high risk of terrorist attack.

Compliance With the 9/11 Act

The conferees expect FEMA to comply with provisions of the 9/11 Act, including policies regarding paying salaries for intelligence analysts, as well as for distribution of UASI grants on the basis of risk.

Law Enforcement Terrorism Prevention Program

In accordance with section 2006 of the Homeland Security Act of 2002, the Law Enforcement Terrorism Prevention Program (LETPP) is funded thorough a required set-aside of 25 percent of the SHSGP and UASI programs. The conferees direct FEMA to provide clear guidance to States and urban areas to ensure the intent of the LETPP is fully realized and the program is fully maximized.

Regional Catastrophic Preparedness Grant Program

The conference agreement includes $35,000,000 for the Regional Catastrophic Preparedness Grant Program as proposed by the Senate. The House did not propose funding for this program. As plans are completed, FEMA is directed to move forward with the program as outlined in the Senate report.

Metropolitan Medical Response System

The conference agreement includes $41,000,000 for the Metropolitan Medical Response System (MMRS) instead of $44,000,000 as proposed by the House and $40,000,000 as proposed by the Senate. The conferees direct FEMA to work with OHA to develop guidelines for MMRS. The conferees do not accept the Administration's proposal to replace the MMRS program with a medical surge grant program and advise FEMA to work with the Assistant Secretary for Preparedness and Response within the U.S. Department of Health and Human Services to develop medical surge guidelines for communities.

Citizen Corps Program

The conference agreement provides $13,000,000 for the Citizens Corps Program, instead of $15,000,000 as proposed by both the House and the Senate.

Public Transportation Security Assistance and Railroad Security Assistance

The conference agreement provides $300,000,000 for Public Transportation Security Assistance and Railroad Security Assistance instead of $250,000,000 as proposed by the House and $356,000,000 as proposed by the Senate, which also included Over-the-Road Bus Security Assistance. The conferees continue the requirement that grants be made directly to transit agencies. The conferees note that States serve an integral role in coordinating regional interests in regard to transit security and therefore direct FEMA to allow transit agencies to permit States to act as sub-grantees to better facilitate regional planning and programs.

Based on the latest estimates from FEMA, about 90 percent of funds appropriated in fiscal year 2006 for rail and transit have not been expended. The conferees expect FEMA and TSA to report, by December 15, 2009, on their progress in working with transit agencies to expend grant funds for fiscal years 2006, 2007, and 2008.

Port Security Grants

The conference agreement provides $300,000,000 for Port Security grants, instead of $250,000,000 as proposed by the House and $350,000,000 as proposed by the Senate. The conferees agree to waive the cost share requirement, as proposed by the House, in this fiscal year only due to the current economic conditions. The conferees recognize the Secretary of Homeland Security has the authority to waive the cost share requirement for this program in cases of economic hardship. After this fiscal year, the cost share requirement is not expected to be waived, except at the discretion of the Secretary.

Over-the-Road Bus Security Assistance

The conference agreement provides $12,000,000 for Over-the-Road Bus Security Assistance as proposed by the House. The Senate provided no less than $6,000,000 for these activities within Public Transportation Security Assistance and Railroad Security Assistance grants.

Buffer Zone Protection Program

The conference agreement provides $50,000,000 for Buffer Zone Protection Program grants as proposed by both the House and the Senate. The conferees acknowledge that this program should be focused on mitigating vulnerabilities to critical infrastructure, instead of providing funding to localities for security costs. The conferees direct FEMA and NPPD to brief the Committees 15 days after the date of enactment of this Act on an expenditure plan that clarifies the methodology by which the program will focus on reducing certain specific vulnerabilities.

Driver's License Security Grant Program

The conference agreement provides $50,000,000 for the Driver's License Security Grant Program as proposed by the Senate. The House proposed the same amount for similar activities under ''REAL ID Grants''.

Interoperable Emergency Communications Grants

The conference agreement provides $50,000,000 for Interoperable Emergency Communications Grants as proposed by both the House and Senate. The conferees expect that grantees must certify to FEMA that the necessary investments are being made for an effective interoperable communications planning process to ensure plans are kept up-to-date and federal funds are not wasted. Once it is determined that the planning process is properly resourced and implemented, grantees should be given the flexibility to purchase interoperable communications equipment. The conferees expect that before grant

dollars are obligated by grantees for equipment, jurisdictions must certify to FEMA that the funds are being spent in accordance with their plans.

Emergency Operations Centers

The conference agreement provides $60,000,000 for Emergency Operations Centers instead of $40,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. The funding shall be allocated for projects as specified in the conference report, and the remaining funding shall be competitively awarded.

Trucking Industry Security Grants

The conference agreement includes a rescission of $5,572,000 from unobligated balances in fiscal year 2009. The conferees note that funds appropriated in fiscal year 2008 are supporting a three-year education and training program.

National Domestic Preparedness Consortium

The conference agreement provides $164,500,000 for the National Domestic Preparedness Consortium as proposed by the Senate instead of $132,000,000 as proposed by the House. Of the total amount $62,500,000 is for the Center for Domestic Preparedness as proposed by the Senate instead of $40,000,000 as proposed by the House. Included in this amount is funding to continue activities at the Noble Training Center. Additionally, of the total amount provided, $23,000,000 is for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 is for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 is for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 is for the National Exercise, Test, and Training Center, Nevada Test Site; $5,000,000 is for the National Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; $5,000,000 is for surface transportation emergency preparedness and response training to be awarded under full and open competition.

The conferees clarify that the National Disaster Preparedness Training Center provides natural disaster preparedness training, including outreach and response training for the public, all hazards training for first responders with a particular focus on challenges facing island and rural communities, and a certificate and undergraduate degree program for homeland security and disaster management.

Counterterrorism and Cyber Crime Center

The conference agreement provides $1,700,000 for the Counterterrorism and Cyber Crime Center, as proposed by the Senate. The House did not provide funding for this program.

Technical Assistance

The conference agreement provides $13,000,000 for technical assistance as proposed by both the House and the Senate. The conferees encourage FEMA to continue to provide training to first responders through the Domestic Preparedness Equipment Technical Assistance Program.

Continuing Training Grants

The conference agreement provides $29,000,000 for continuing training grants instead of $31,000,000 as proposed by the House and $27,000,000 as proposed by the Senate. The amount provided includes full funding for the homeland security graduate and executive level education programs currently supported by the Department. The Department is encouraged to leverage these important programs where appropriate to meet a growing need and also notes the importance of the Mobile Education Teams providing homeland security seminars for State and local elected officials and senior staff.

Evaluations and Assessments

The conference agreement includes $16,000,000 for evaluations and assessments as proposed by the House instead of $18,000,000 as proposed by the Senate. FEMA is directed to continue the quarterly briefings by NPD regarding ongoing activities. Briefings shall include the results of the evaluations and assessments efforts. Therefore, FEMA is not directed to provide a separate briefing to the Committees every six months on the results from the completed national programs evaluations, as directed by the House. FEMA is directed to conduct the first quarterly briefing not later than 30 days after the date of enactment of this Act. The initial briefing shall provide a timeframe and approach to complete the development of tools to measure the achievement and effectiveness of grant programs. In addition, GAO shall continue to review such tools and report its findings to the Committees on a quarterly basis. Finally, the conferees note that measuring the grant programs is just one element of a larger effort to streamline FEMA's evaluations programs. Therefore, each quarterly briefing shall also include detailed information on the progress of this effort, including milestones and a process for disseminating usable and actionable information. GAO shall also review this effort and report its findings to the Committees on a quarterly basis.

Rural Domestic Preparedness Consortium

The conference agreement includes $3,000,000 for the Rural Domestic Preparedness Consortium as proposed by the House. The Senate did not propose funding for this program. Funds will be used to provide and deliver training to rural first responders consistent with the National Preparedness Goal.

FIREFIGHTER ASSISTANCE GRANTS

The conference agreement provides $810,000,000 for Firefighter Assistance Grants including $390,000,000 for firefighter assistance grants and $420,000,000 for firefighter staffing grants as proposed by both the House and Senate. FEMA is directed to continue the present practice of funding applications according to local priorities and those established by the United States Fire Administration, to maintain an all-hazards focus, and to grant funds for eligible activities in accordance with the authorizing statute. FEMA is required to continue the current grant application and review process as specified in the House report.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The conference agreement provides $340,000,000 for Emergency Management Performance Grants instead of $330,000,000 proposed by the House and $350,000,000 as proposed by the Senate.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The bill provides for the receipt and expenditure of fees collected, as authorized by Public Law 105–276.

UNITED STATES FIRE ADMINISTRATION

The conference agreement provides $45,588,000 for the United States Fire Administration (USFA) as proposed by both the House and the Senate. The conferees direct USFA to work with the U.S. Departments of Agriculture and Interior to ensure compatible data on wildfires is available. USFA is also directed to provide a briefing within 30 days of the date of enactment of this Act on the status of implementing the upgrade to the National Fire Information Reporting System, including future milestones for measuring progress.

DISASTER RELIEF

(Including Transfers of Funds)

The conference agreement provides $1,600,000,000, for the Disaster Relief fund (DRF) instead of $2,000,000,000 as proposed by the House and $1,456,866,000 as proposed by the Senate. The conference agreement includes a transfer of $16,000,000 to the Office of the Inspector General and $105,600,000 to FEMA Management and Administration. The conference agreement continues the requirement to provide the Committees with an expenditure plan detailing the uses of these funds prior to transfer.

In an effort to improve the accuracy of budget forecasts, the President's budget includes an allowance for the estimated costs of natural or manmade disasters. The conferees commend the Administration for this effort but are disappointed that the President has not followed through by requesting appropriate funding for the known costs of existing disasters. According to DHS and FEMA, the DRF is expected to be exhausted in March of 2010. According to the most current FEMA estimates that were only recently provided to the Committees, it is anticipated that another $3.8 billion will be required to cover disaster costs through September 30, 2010, for past disasters such as Hurricanes Katrina, Gustav, Ike, the Midwest floods, and for the anticipated costs of an average disaster season. Without a proposal from the Administration to address this impending shortfall, the conferees believe it is premature to appropriate additional funds at this time. As noted in the House report, the conferees expect the DRF to be properly monitored and for the submittal of timely budget requests that are adequate to sustain disaster response and recovery costs. Accordingly, the conferees encourage the President to request funding for any DRF shortfall as soon as possible.

The conference report continues the requirement for a monthly report detailing allocations, obligations, and undistributed amounts related to all disasters, including Hurricanes Katrina, Rita, and Wilma. The report shall maintain the same level of data as currently presented to the Committees. Additionally, this report should, when applicable, list funds transferred to USAID for international disasters, including the location of the disaster.

FEMA is directed to maintain the Florida long-term recovery office as long as there is sufficient work to be done following the 2004 and 2005 hurricanes that struck the State. FEMA is directed to notify the Committees 60 days prior to closing the office.

EVALUATING FEMA'S READINESS

The House report directs GAO to conduct exercises to evaluate how well FEMA provides disaster assistance to survivors. The conference agreement modifies the House directive to require GAO to brief the Committees no later than 45 days after the date of enactment of this Act with a scope of work describing how GAO would carry out unannounced evaluations of FEMA's disaster assistance without adversely impacting those affected by a disaster.

Remaining Challenges in Post Disaster Housing

In fiscal year 2009, the Committees required the Office of the Federal Coordinator for Gulf Coast Rebuilding to report on recommendations for ensuring sufficient stock of affordable rental housing to meet the needs of all those displaced. The conferees believe the Office's recommendations should be studied and incorporated by federal, State, and local governments to deal with future disasters.

The conferees are pleased to note that FEMA and the Department of Housing and

Urban Development (HUD) have recognized that there must be some interplay between the agencies after a disaster. The two agencies are working in tandem to operate the Disaster Housing Assistance Program (DHAP) in Louisiana, Mississippi, and Texas following Hurricanes Katrina, Rita, and Ike. The conferees expect FEMA to use DHAP as a model as it develops its agreements with HUD. The conferees expect that FEMA will continue to support disaster costs under an agreement between HUD and FEMA, as it does for DHAP in the Gulf Coast.

The conferees direct FEMA to formalize an agreement with HUD outlining the roles and responsibilities of both agencies following a disaster and clearly delineating when and how HUD should take the lead role in the federal housing response. Upon completion of the agreement, FEMA is directed to report to the appropriate Congressional committees on the resources and any legislative authority needed to implement the agreement.

The conferees remain concerned by continued reports that FEMA trailers purchased to house disaster victims have high levels of formaldehyde emissions, possibly leading to adverse health effects. The conferees understand FEMA is pursuing alternative housing solutions and demonstration projects and encourage FEMA to consider multiple technologies and building solutions during this phase.

Children and Disasters

FEMA is directed to expedite its discussions with Ottawa School in Illinois and to come to resolution on its elementary school project. FEMA and the affected community should address the continued flooding of this school and area. FEMA and the community should consider taking the mitigation action of moving the school from the floodplain. FEMA shall act with due haste and report to the Committees when the final project is approved.

Further, the conferees direct FEMA to establish planning guidance to ensure child safety and protection in the event of a disaster.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conference agreement provides $295,000 for the cost of loans as proposed by both the House and the Senate. Administrative costs are provided for in the FEMA ''Management and Administration'' account.

FLOOD MAP MODERNIZATION FUND

The conference agreement provides $220,000,000 for the Flood Map Modernization program as proposed by both the House and Senate. In fiscal year 2010, FEMA will continue to focus these funds on reviewing, updating, and maintaining maps to accurately reflect flood hazards. The goal shall be to review and, where necessary, to update and maintain data, methodologies, models, and maps that have been modernized, and to issue map updates no later than five years past the modernized dates of the maps. To support this goal, FEMA is directed to provide no less than 20 percent of the funds provided under this heading for map updates and maintenance conducted by Cooperating Technical Partners that provide a 25 percent cash match and have a strong record of working effectively with FEMA on flood plain mapping activities. With the fiscal year 2011 budget request, FEMA shall submit to the Committees a status report on the progress made towards the five-year Risk Mapping, Assessment, and Planning strategy.

When allocating map modernization funds, FEMA is encouraged to prioritize as criteria the number of stream and coastal miles within the State, the Mississippi River Delta region, and the participation of the State in leveraging non-federal contributions.

FEMA is directed to develop a National Digital Elevation Acquisition and Utilization plan for the purposes of supporting flood plain map updates. FEMA shall collaborate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and States that have experience in acquiring and incorporating high resolution elevation data in the flood plain map updates. FEMA shall submit this plan to the Committees within six months after the date of enactment of this Act.

NATIONAL FLOOD INSURANCE FUND

The conference agreement provides the agency re-estimated request of $38,680,000 for salaries and expenses as opposed to $52,149,000 as proposed by both the House and Senate. The conference agreement further provides $107,320,000 for flood plain mapping and management as proposed by both the House and Senate.

The conferees do not include authority allowing the FEMA Administrator to transfer funds from flood mapping and flood plain management for salaries and expenses. Instead, FEMA is required to provide the Committees with a reprogramming proposal, in accordance with section 503 of this Act, if a problem arises in meeting mission requirements. The conferees encourage FEMA to consider population growth when determining grant awards to the States under the Community Assistance Program.

NATIONAL PREDISASTER MITIGATION FUND

The conference agreement provides $100,000,000 for the National Predisaster Mitigation Fund (PDM), as proposed by the House instead of $120,000,000 as proposed by the Senate. As part of the budget, the Administration proposes to drastically change the distribution methodology used for awarding PDM grants. However, the Administration was unable to adequately articulate the ramifications or benefits of their new approach. Considering that pending legislation is vastly different from the Administration's new approach, the conferees do not approve the proposed change. Instead, the conferees direct FEMA to continue this program as it operated during fiscal year 2009. The conference agreement continues a provision contained in the Department of Homeland Security Appropriation Act, 2009, which extends the authorization of the PDM grant program for one year to continue the current program.

The conference agreement includes funding for predisaster mitigation projects in the following amounts, and the remaining funding shall be competitively awarded:

Predisaster mitigation projects	*Amount*
Alabama Emergency Management Agency, AL	$200,000
Arkansas Department of Emergency Management, AR	750,000
Arkansas State University-Beebe, AR	452,000
Brigham City Corporation, UT	250,000
CHRISTUS St. Elizabeth Hospital, Beaumont, TX	250,000
City of Brooksville, KY	18,500
City of Burbank, CA	225,000
City of Camanche, IA	187,500
City of Coconut Creek, FL	500,000
City of Colton, CA	200,000
City of Davis, CA	275,000
City of Emeryville, CA	600,000
City of Flagler Beach, FL	750,000
City of Hartselle, AL	245,000
City of Hidalgo, TX	500,000
City of Hokah, MN	590,000
City of Kannapolis, NC	425,000
City of Los Angeles, CA	1,000,000
City of Los Angeles, CA	500,000
City of Maryville, MO	175,000
City of Miami Beach, FL	750,000
City of Miami, FL	600,000
City of New Braunfels, TX	500,000
City of Prattville, AL	500,000
City of Reno, NV	500,000
City of Robstown, TX	500,000
City of Rockville, MD	650,000
City of Santa Clarita, CA	500,000
City of Trenton, NJ	300,000
City of Venice, FL	200,000
DeKalb County, IL	350,000
Drew County, AR	366,564
Harris County Flood Control District, TX	1,000,000
Henry County, GA	275,000
Jackson Health System, Miami, FL	500,000
Kentucky Emergency Management, KY	500,000
King County, WA	750,000
Lake County Stormwater Management Agency, OH	725,000
Lorain County, OH	200,000
Louisville-Metro Government, KY	500,000
Lucas County Engineer, OH	500,000
McDowell Hospital, Marion, NC	220,000
Mississippi Homeland Security Office, MS	500,000
North Carolina Office of Emergency Management, NC	165,000
Ohio University, Athens, OH	200,000
Orange County Fire Authority, CA	252,000
Russell County Fiscal Court, KY	200,000
San Miguel County, NM	400,000
Shelby County, Memphis, TN	325,000
State of Maryland, MD	1,000,000
Town of Hambleton and Town of Davis, WV	450,000
Town of Occoquan, VA	25,000
Town of Shelter Island, NY	200,000
Town of Union and City of Binghamton, NY	462,000
Town of Winthrop, MA	500,000
Village of La Grange Park, IL	150,000
Village of Pelham, NY	562,500
Westport Fire Department, CT	265,000

EMERGENCY FOOD AND SHELTER

The conference agreement provides $200,000,000 for the Emergency Food and Shelter program as proposed by the House instead of $175,000,000 as proposed by the Senate. The funding will assist those most immediately in need of food and shelter assistance.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The conference agreement provides $224,000,000 in discretionary appropriations for United States Citizenship and Immigration Services (USCIS) instead of $298,000,000 as proposed by the House and $135,700,000 as proposed by the Senate.

User Fee Funded Programs

The current estimate for fiscal year 2010 of USCIS fee collections, which constitute a majority of the agency's resources, is $2,503,232,000. These fee revenues support adjudication of applications for immigration benefits and fraud prevention activities and are derived from fees collected from persons applying for immigration benefits. The conferees understand that fee receipts have decreased significantly in fiscal year 2009 largely due to prevailing economic conditions, and are also likely to be below projections for fiscal year 2010. Since it is unclear how the expenditure estimates will change

to align USCIS costs with anticipated revenues, the conferees cannot accurately modify the budget presentation of fee-funded expenditures. Instead, the conferees direct USCIS to submit, within 30 days after the date of enactment of this Act, an operating plan for fiscal year 2010 accompanied by a reprogramming notification, if necessary, that details how and at what levels USCIS will fund its operations in fiscal year 2010 based on revised fee collection estimates.

Within the total fees collected, the conferees direct USCIS to provide no less than $51,755,000 to support National Customer Service Center operations and to dedicate the entirety of premium processing revenue to business system and information technology transformation. USCIS is also directed to provide no less than $29,000,000 to convert immigration records to digital format, as requested for fiscal year 2010. No more than $10,000 of the fees collected shall be used for official reception and representation expenses.

Basic Pilot Program (E-Verify Program)

The conference agreement provides $137,000,000 for the basic pilot program (E-Verify Program) instead of $162,000,000 as proposed by the House and $118,500,000 as proposed by the Senate. Of this amount, $30,000,000 is available until September 30, 2011, for continued improvement of the E-Verify system, including an identity assurance tool, additional capacity to investigate fraudulent use of the system, and development of a ''self-check'' tool to allow authorized workers to validate the accuracy of their records on file with federal government agencies. The conferees make all appropriations for compliance investments available for fiscal year 2010 only to reflect the emphasis the conferees expect USCIS to place on E-Verify improvements that strengthen compliance with system operating requirements.

GAO Analysis of Basic Pilot Program/E-Verify Program

The conferees direct GAO to conduct two studies of the basic pilot program (E-Verify Program): one of the tentative non-confirmation rates for the basic pilot program (E-Verify Program) and the other of the effects of the basic pilot program (E-Verify Program) on small entities, as defined by 5 U.S.C. 601. The House had proposed a general provision (section 545) requiring these studies and GAO is directed to follow the direction in the House bill when designing them. The Senate had proposed no similar provision.

Refugee and Asylum Application Processing

The fiscal year 2010 budget proposes $201,000,000 in direct appropriations, rather than a surcharge on application fees, to pay for the cost of processing refugee applications and asylum claims. The conference agreement provides $50,000,000 for these costs instead of $100,000,000 as proposed by the House. The Senate proposed no funding. This level reflects an estimated three months of appropriations funded asylum and refugee application processing costs. Since the Administration has not published a Federal Register notice explaining how or when the existing $40 immigration application surcharge for funding refugee and asylum applications will be discontinued, the conference report includes statutory language withholding appropriated funds from obligation until regulatory revisions are implemented.

Military Naturalizations

The conference agreement provides $5,000,000 for the processing of military naturalization applications as proposed by the Senate. The House proposed no funding. The conferees strongly encourage the Office of Management and Budget to include appropriated funding for this activity within the fiscal year 2011 budget request for the Department of Defense in accordance with the National Defense Authorization Act of Fiscal Year 2004 (Public Law 108–136).

REAL ID

The budget requests $25,000,000 to complete development of a data sharing hub to support implementation of the REAL ID Act. The conferees, however, note that the $50,000,000 appropriated for this purpose for fiscal year 2009 has yet to be awarded to the State consortium leading the project. DHS has proposed significant revisions to the underlying REAL ID authorization, raising the potential for planning delays in the eventual technological solution that is determined necessary to connect States' vital records systems. As a result, the conference agreement includes $10,000,000 for REAL ID data sharing hub development, to be used only for system engineering and acquisition costs and not for ''incentive'' or other subsidy payments to project participants, instead of $25,000,000 as proposed by the House. The Senate proposed no funding for the REAL ID hub. As noted in the Senate report, the conferees expect DHS to submit its plan for hub development to the Committees in fiscal year 2010.

Immigration Integration

The conference agreement includes $11,000,000 for competitively-awarded grants to organizations promoting the rights and responsibilities of citizenship as proposed by the House instead of $1,200,000 as proposed by the Senate. The conference report includes a statutory restriction limiting the award of these funds to programs that serve legal permanent residents of the United States.

Changes to Fees Charged to Temporary Protected Status Applicants

As discussed in the House report, the conference report includes a general provision clarifying that USCIS is allowed to charge fees for services related to Temporary Protected Status applications.

Naturalization Ceremonies

As directed in the House report, USCIS is directed to identify, in the fiscal year 2011 budget submission, funds allocated to naturalization and oath of allegiance ceremonies and to work with local public and private groups to schedule naturalization and oath of allegiance ceremonies as part of Independence Day celebrations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conference agreement provides $239,356,000 for Federal Law Enforcement Training Center (FLETC) Salaries and Expenses as proposed by the House instead of $244,356,000 as proposed by the Senate. The conferees understand the Department has revised its priorities for the data center migration initiative and provide no funding within this account. The Department is encouraged to use the transfer authority provided for data center migration to fund any emergent requirements within FLETC as the initiative progresses.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conference agreement provides $43,456,000 for Acquisitions, Construction, Improvements, and Related Expenses as proposed by both the House and the Senate.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The conference agreement provides $143,200,000 for Management and Administration as proposed by the Senate instead of $142,200,000 as proposed by the House. This amount includes $10,000 for official reception and representation and $1,000,000 for additional Test and Evaluations/Standards personnel to support the Acquisition Review Board process. Science and Technology (S&T) shall brief the Committees quarterly on the test and evaluation status of all level 1 acquisitions.

As part of the fiscal year 2011 budget request and in each subsequent fiscal year, S&T shall report on the results of its research and development efforts in the prior year (fiscal year 2009), including all technologies, technology improvements, or capabilities delivered to front line users, and the role the Integrated Product Teams played in the development. In addition, based on the Directorate's ongoing validation and verification reviews, S&T shall also submit with its fiscal year 2011 budget request and each subsequent fiscal year a report on the amounts deobligated from projects in the prior fiscal year (fiscal year 2009) and what projects those funds were subsequently obligated to.

S&T shall notify the Committees pursuant to section 503 of this Act if it assesses any program for administrative costs exceeding five percent of the total program appropriation.

As discussed in the Senate report, S&T shall report within 30 days after the date of enactment of this Act on its plans and timelines for full implementation of the National Academy of Public Administration study recommendations related to strategic planning.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conference agreement provides $863,271,000 for Research, Development, Acquisition, and Operations instead of $825,356,000 as proposed by the House and $851,729,000 as proposed by the Senate. Funds are available for three years, except Laboratory Facilities funding, which is available for five years. The following table specifies funding by budget activity:

Border and Maritime Security	$44,181,000
Chemical and Biological	206,800,000
Command, Control, and Interoperability	81,764,000
Explosives	120,809,000
Human Factors	16,087,000
Infrastructure and Geophysical	74,958,000
Innovation	44,000,000
Laboratory Facilities	150,188,000
Test and Evaluations/Standards	29,000,000
Transition	46,134,000
University Programs	49,350,000
Total	$863,271,000

Border and Maritime Security

The conference agreement provides $44,181,000 for Border and Maritime Security instead of $40,181,000 as proposed by the House and Senate. Included in this funding is $3,000,000 for urban tunnel detection basic research, as requested. In addition, the conferees fully fund the current maritime technology test beds and provide $4,000,000 for a pilot to develop a replicable port security system that would improve maritime domain awareness.

The conferees are disappointed in the slow progress DHS has made in developing a viable container security device, as discussed in the House report. S&T shall continue its quarterly updates to the Committees on its efforts in this area.

Chemical and Biological

The conference agreement provides $206,800,000 for Chemical and Biological as

proposed by the Senate instead of $221,900,000 as proposed by the House. While the conferees fund the BioWatch program under the Office of Health Affairs as proposed by the Senate, S&T is expected to be intricately involved in the test and evaluation of the BioWatch Generation 3 systems.

While the conferees support the transfer of BioShield to the U.S. Department of Health and Human Services, DHS shall continue to perform the threat assessments of hazardous materials.

As discussed in the House report, S&T is directed to brief the Committees before January 15, 2010, on the development and implementation of a Department-wide biosurety policy.

Command, Control, and Interoperability

The conference agreement provides $81,764,000 for Command, Control, and Interoperability instead of $80,764,000 as proposed by the House and $83,264,000 as proposed by the Senate. Within this total, $3,000,000 is to continue the web distributed environment for critical infrastructure decision making exercises and $500,000 is for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies.

Explosives

The conference agreement provides $120,809,000 for Explosives research and technologies as proposed by the House and Senate. Included in this amount is $10,000,000 to develop air cargo screening technologies, as requested. In light of the large increase in funding under this program, S&T is encouraged to accelerate its efforts to achieve results in the near term and to brief the Committees by January 15, 2010, on the status of new explosives research and technologies, the progress it has made in identifying research and development gaps aimed at countering improvised explosive device threats, and how these funds will close such gaps.

Human Factors

The conference agreement provides $16,087,000 for Human Factors instead of $16,887,000 as proposed by the House and $12,460,000 as proposed by the Senate. Within this total, $3,800,000 is for the biometrics program.

Infrastructure and Geophysical

The conference agreement provides $74,958,000 for Infrastructure and Geophysical instead of $52,093,000 as proposed by the House and $67,607,000 as proposed by the Senate. Within the funding provided, not less than $20,865,000 is to continue the Southeast Region Research Initiative at the Oak Ridge National Laboratory; not less than $10,000,000 is for the National Institute for Hometown Security to support existing support in community-based critical infrastructure protection; and not less than $2,000,000 is for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative.

Innovation

The conference agreement provides $44,000,000 for Innovation as proposed by the House and Senate, including adequate funding for a variety of new technologies pertaining to tunnels, levee strengthening, storm surge mitigation, and resilient electric grid as requested and discussed in the Senate report.

New Technologies

New technologies may significantly help the Department as it seeks to secure our homeland. The Department is encouraged to develop a variety of technologies as discussed in both the House and Senate reports.

Laboratory Facilities

The conference agreement provides $150,188,000 for Laboratory Facilities instead of $123,188,000 as proposed by the House and $154,500,000 as proposed by the Senate. Within the total, $12,000,000 is provided for the final year of construction obligations at the Physical Science Facility and refurbishment of building 325 at the Pacific Northwest National Laboratory in support of the memorandum of understanding between DHS, the U.S. Department of Energy, and the National Nuclear Security Administration.

Within this total, $32,000,000 is for the National Bio- and Agro-defense Facility (NBAF) instead of $36,312,000 as proposed by the Senate and no funding as proposed by the House. Due to concerns raised by GAO about DHS's original assessment of the risk related to foot-and-mouth disease research on the U.S. mainland, a general provision is included prohibiting the obligation of these funds for NBAF construction until the Secretary undertakes a bio-safety and bio-security mitigation risk assessment using plume and epidemiologic impact modeling to determine the requirements for the safe operation of NBAF in Manhattan, Kansas. Once DHS completes the risk assessment, the National Academy of Sciences (NAS) shall provide an independent evaluation of the DHS study within four months to ensure that risk has been adequately identified and mitigated in planning for NBAF. Up to $2,000,000 of the amount provided may be used for the NAS evaluation.

In addition, the conferees continue bill language, proposed by the Senate, that requires the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, to report to the Committees on the procedures used to issue a permit for foot-and-mouth disease live virus research and an emergency response plan in the event of an accidental release of a hazardous pathogen originating from NBAF.

Test and Evaluations/Standards

The conference agreement provides $29,000,000 for Test and Evaluations/Standards, as proposed by the House instead of $28,674,000 as proposed by the Senate. Within the total provided is $5,000,000 to continue a first responder technology evaluation program.

Transition

The conference agreement provides $46,134,000 for Transition as proposed by the House instead of $45,134,000 as proposed by the Senate. Within the funds provided, $10,000,000 is provided for first responder technologies as requested; $2,000,000 is for the Naval Postgraduate School to design, develop and field test first responder technologies outside of the integrated product team process as requested; and $1,000,000 is to continue a manufacturing pilot program to identify and transition advanced technologies and manufacturing processes in the homeland security industrial base. S&T shall provide an expenditure plan for the first responder technology program within 60 days after the date of enactment of this Act.

University Programs

The conference agreement provides $49,350,000 for University Programs instead of $50,400,000 as proposed by the House and $48,300,000 as proposed by the Senate. Within this funding, $39,380,000 is for the Centers of Excellence and $3,870,000 is for minority serving institutions. S&T is directed to brief the Committees on how these funds will be allocated to the Centers of Excellence by January 15, 2010.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

The conference agreement provides $38,500,000 for Domestic Nuclear Detection Office (DNDO) Management and Administration, instead of $39,599,000 as proposed by the House and $37,500,000 as proposed by the Senate. The conferees note that DNDO has made progress in filling its authorized 130 FTEs, but several vacancies remain. The conferees strongly encourage DHS to expedite background investigations and other clearance processes to fill vacant positions as soon as possible.

RESEARCH, DEVELOPMENT, AND OPERATIONS

The conference agreement provides $324,537,000 for Research, Development, and Operations instead of $376,537,000 as proposed by the House and $326,537,000 as proposed by the Senate. No funding is provided under this heading for Securing the Cities, as proposed by the House, but it is instead provided in the Systems Acquisition appropriation. The conferees include $108,537,000 for Transformational Research and Development, instead of $110,537,000 as proposed by the House and Senate, which reflects a five percent increase over fiscal year 2009. Funding is made available until September 30, 2012. The following table specifies funding by budget activity:

Systems Engineering and Architecture	$25,448,000
Systems Development	100,000,000
Transformational Research and Development	108,537,000
Assessments	32,416,000
Operations Support	38,436,000
National Technical Nuclear Forensics Center	19,700,000
Total	$324,537,000

Quarterly Reports

The conferees believe DNDO must aggressively pursue its preventive radiation/nuclear detection mission, and go beyond addressing the potential threat posed by the use of cargo containers to transport nuclear or radioactive materials or weapons. It is critical that DNDO prioritize its efforts based on risk, with attention to pathways such as general aviation, the maritime domain, U.S. land borders (including rail and in areas between ports of entry), and urban areas and critical locations in the nation's interior. The conferees direct DNDO to continue quarterly briefings to the Committees on progress in developing architecture to guide technology research and applications; the status of such technologies, including their strengths and weaknesses; and timetables to develop and deploy them.

The conferees also direct DNDO to provide quarterly briefings to the Committees, as proposed in the House report, on development of the Cargo Advanced Automated Radiography Systems and Joint Integrated Non-Intrusive Inspection programs; red team exercises and assessments, including vulnerabilities identified and recommendations for addressing them; the progress in the Human Portable Radiation Detection System development effort, including operational testing and production of new technologies for advanced operations; and progress in developing alternatives to existing detection materials and systems, in particular progress in finding alternatives to neutron detectors based on Helium-3.

Supporting and Improving Current Detection Technology

The conference agreement includes $5,000,000 within the amounts appropriated for Research, Development, and Operations to improve operations and capabilities of currently deployed polyvinyl toluene (PVT) radiation portal monitors and handheld radiation detectors, and to deploy any improvements to the field. The conferees direct DNDO to submit a plan for expenditure, development, and deployment for such efforts

to the Committees not later than 60 days after the date of enactment of this Act. The conferees direct DHS to notify the Committees if DNDO determines that it cannot obligate this funding.

SYSTEMS ACQUISITION

The conference agreement provides $20,000,000 for Systems Acquisition instead of $10,000,000 as proposed by the Senate. The House proposed no funding. Funding is made available until September 30, 2012, for radiological detection systems for the Securing the Cities program, to be awarded through full and open competition.

Advanced Spectroscopic Portal Monitors and Certification

The conference report prohibits full-scale procurement of advanced spectroscopic portal (ASP) systems until the Secretary has certified and reported to the Committees that a significant increase in operational effectiveness merits such a decision, with a requirement for separate certification for primary and secondary deployments. The Secretary is directed to continue consulting with NAS on this matter. Finally, DNDO is prohibited from engaging in high-risk concurrent development and production of mutually dependent software and hardware components of detection systems.

The conferees expect DHS to ensure certification decisions are made with the best possible test information and to follow NAS recommendations related to development and certification as outlined in the Senate report. Further, the conferees believe the NAS recommendations should be implemented prior to decisions on certification or procurement of ASPs. If for any reason the Department does not follow these recommendations, the Department shall provide a briefing to the Committees as to why these recommendations were not followed. As independent reviews of the ASP programs have been of value to the Department, the conferees believe an independent cost-benefit analysis would also be beneficial.

If certification does not occur or is further delayed, the conferees direct DHS to submit a revised deployment plan, to include additional procurement of PVT monitors, if requirements remain. As described in the House and Senate reports, the conferees encourage DNDO to undertake deployment of low rate initial production ASP systems, as appropriate, and use data from such deployments to inform future portal monitor decisions.

TITLE V—GENERAL PROVISIONS

(Including Rescissions of Funds)

Section 501. The conference agreement continues a provision proposed by the House and Senate that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The conference agreement continues a provision proposed by the House and Senate that unexpended balances of prior appropriations may be merged with new appropriations accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conference agreement continues a provision proposed by the Senate that provides authority to reprogram appropriations within an account and to transfer up to 5 percent between appropriations accounts with 15-day advance notification of the Committees. The House proposed a similar provision. A detailed funding table identifying programs, projects, and activities is included at the end of this statement. This table along with funding levels specified in the report shall serve as the control level for all reprogrammings. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2010.

The Department shall submit reprogramming requests on a timely basis and provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing FTE levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The Department shall manage its programs and activities within the levels appropriated. The Committees are concerned with the number of reprogramming proposals submitted for consideration by the Department and remind the Department that reprogramming or transfer requests should be submitted only in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. When the Department submits a reprogramming or transfer request to the Committees and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request unapproved.

The Department is not to submit a reprogramming or transfer of funds after June 30 except in extraordinary circumstances, which imminently threaten the safety of human life or the protection of property. If a reprogramming or transfer is needed after June 30, the notice should contain sufficient documentation as to why it meets this statutory exception.

Section 504. The conference agreement continues a provision proposed by the House and Senate extending the authorization of the Department's Working Capital Fund (WCF) in fiscal year 2010. No funds appropriated or otherwise available to the Department may be used to make payment to the Department's WCF, except for activities and amounts allowed in the President's fiscal year 2010 budget. Funds provided to the WCF are available until expended. The Department shall only charge components for direct usage of the WCF. Fiscal year 2010 and any carryover funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or reimbursed must reflect the full cost of each service. The WCF shall be subject to the requirements of section 503 of this Act.

Section 505. The conference agreement continues a provision proposed by the House and Senate that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2010 from appropriations made for salaries and expenses shall remain available through fiscal year 2011 subject to reprogramming guidelines.

Section 506. The conference agreement continues a provision proposed by the House and Senate deeming that funds for intelligence activities are specifically authorized during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

Section 507. The conference agreement continues and modifies a provision proposed by the House and Senate requiring notification of the Committees three business days before any grant allocation, grant award, contract award (including Federal Acquisition Regulation-covered contracts), Other Transaction Agreement, a task or delivery order on a DHS multiple award contract, letter of intent, or public announcement of the intention to make such an award totaling in excess of $1,000,000. If the Secretary determines that compliance would pose substantial risk to health, human life, or safety, an award may be made without prior notification but the Committees shall be notified within five full business days after such award or letter is issued. Additionally, FEMA is required to brief the Committees five full business days prior to announcing publicly the intention to make an award under State and Local Programs.

Section 508. The conference agreement continues a provision proposed by the House and Senate that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees.

Section 509. The conference agreement continues a provision proposed by the House and Senate that none of the funds may be used for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of Title 40, United States Code, has not been approved. The conferees exclude funds that may be required for development of a proposed prospectus.

Section 510. The conference agreement continues a provision proposed by the House that consolidates by reference prior year statutory bill language into one provision. The Senate proposed a similar provision. These provisions relate to reporting requirements of the privacy officer; contracting officer's technical representative training; sensitive security information; federal building performance and requirements outlined in title V of the National Energy Conservation Policy Act or subtitle A of title I of the Energy Policy Act of 2005; use of funds in conformance with section 303 of the Energy Policy Act of 1992; and Executive Order 13149 relating to fleet and transportation efficiency.

Section 511. The conference agreement continues a provision proposed by the House and Senate that none of the funds may be used in contravention of the Buy American Act.

Section 512. The conference agreement continues a provision proposed by the Senate prohibiting funds to be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448). The House proposed no similar provision.

Section 513. The conference agreement continues a provision proposed by the House and Senate regarding competitive sourcing.

Section 514. The conference agreement continues and modifies a provision proposed by the House and Senate directing TSA to work with air carriers and airports to ensure the screening of cargo carried on passenger aircraft, as required by the 9/11 Act, increases incrementally each quarter until the requirements are met. TSA is required to report air cargo inspection statistics detailing how incremental progress is being made to the Committees within 45 days after the end of each quarter of the fiscal year. Finally, TSA shall submit a report on how it plans to meet the 100 percent mandate contained in the 9/11 Act.

Section 515. The conference agreement continues a provision proposed by the House and Senate requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 516. The conference agreement continues and modifies a provision proposed by the Senate directing that any funds appropriated or transferred to TSA ''Aviation Security'', ''Administration'', and ''Transportation Security Support'' in fiscal years

2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for procurement and installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification. The House proposed a similar provision. Quarterly reports must be submitted identifying any funds that are recovered or deobligated.

Section 517. The conference agreement continues a provision proposed by the House and Senate requiring any funds appropriated to Coast Guard for 110–123 foot patrol boat conversions that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the replacement patrol boat program.

Section 518. The conference agreement continues a provision proposed by the House and Senate pertaining to the human resource management system.

Section 519. The conference agreement continues a provision proposed by the House and Senate extending undercover investigative operations authority of the Secret Service.

Section 520. The conference agreement continues a provision proposed by the House and Senate classifying the functions of instructor staff at FLETC as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998.

Section 521. The conference agreement continues a provision proposed by the House and Senate prohibiting the obligation of funds appropriated to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply. This provision does not require new competitions of existing contracts during their current terms. The conferees also require the IG to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 522. The conference agreement continues and modifies a provision proposed by the House that prohibits funding for any position designated as a Principal Federal Official (PFO) during a Stafford Act declared disaster or emergency.

The issue of the role of a PFO during a Federal response has a complicated history in recent years, brought to light most visibly with confusion during the response to Hurricane Katrina. The Post Katrina Emergency Management Reform Act of 2006 (PKEMRA) addressed various shortcomings highlighted by the response to Hurricane Katrina. PKEMRA defines FEMA's responsibilities and boosts its autonomy within DHS. In addition, the Act outlines an incident management chain of command headed by the Administrator of FEMA, defined as the principal advisor to the President and Secretary on all matters relating to emergency management. However, a dispute regarding the role of the PFO continues.

While the conferees do not believe that Sec. 523 of the House bill precludes the Secretary from deploying Department level staff to a disaster in a manner that is consistent with current law, the conferees recognize that the Secretary has asked for some flexibility regarding this provision. Statutory language has been modified to allow the Secretary to waive the prohibition on the use of funds for a PFO or successor position under a Stafford Act declaration. After exercising this waiver, the Secretary must report to the Committees on Appropriations, as well as the House Transportation and Infrastructure Committee, and the Senate Homeland Security and Governmental Affairs Committee with the following information: (1) an explanation of the circumstances necessitating the waiver, including a discussion of how this action does not deviate from the role of the FEMA Administrator as the principal advisor on emergency management to the President, the Homeland Security Council, and the Secretary, as defined in P.L. 109–295 (6 U.S.C. 313); and (2) discussion of the role in the field, or in headquarters, of staff deployed pursuant to the waiver, including measures taken to ensure compliance with subsection (c) of 6 U.S.C. 319.

Further, the conferees note that this waiver authority exists for fiscal year 2010 only and directs the Department, in collaboration with the appropriate authorizing committees of the House and Senate, and other federal entities, to revisit all planning and response documents, such as the National Response Framework, and the organizational structure of operational emergency response teams, as appropriate, to ensure that they are compliant with the provisions of PKEMRA. The conferees direct DHS to report within 120 days of enactment of this Act on any action necessary to update all applicable documents and the organizational structure of operational emergency response teams.

Section 523. The conference agreement continues a provision proposed by the House and Senate regarding the enforcement of section 4025(1) of Public Law 108–458 pertaining to butane lighters.

Section 524. The conference agreement continues a provision proposed by the House and Senate prohibiting the Secretary of Homeland Secretary from reducing operations within the Coast Guard's Civil Engineering Program except as specifically authorized by a statute enacted after the date of enactment of this Act.

Section 525. The conference agreement continues a provision proposed by the House and Senate that precludes DHS from using funds in this Act to carry out reorganization authority. This prohibition is not intended to prevent the Department from carrying out routine or small reallocations of personnel or functions within components of the Department, subject to section 503 of this Act.

Section 526. The conference agreement continues a provision proposed by the House and Senate prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required in the statute to be completed prior to the grant of the benefit have been received by USCIS.

Section 527. The conference agreement continues a provision proposed by the House and Senate prohibiting use of funds to destroy or put out to pasture any horse or other equine belonging to the Federal government unless adoption has been offered first.

Section 528. The conference agreement continues a provision proposed by the Senate regarding the use of Data Center One (National Center for Critical Information Processing and Storage). The House proposed no similar provision.

Section 529. The conference agreement continues a provision proposed by the Senate prohibiting funds from being used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff. The House proposed no similar provision.

Section 530. The conference agreement continues a provision proposed by the House and Senate prohibiting funds to be used to conduct or implement the results of a competition under Office of Management and Budget Circular A–76 with respect to the Coast Guard National Vessel Documentation Center.

Section 531. The conference agreement continues and modifies a provision proposed by the House relating to Other Transactional Authority for DHS through fiscal year 2010. The Senate proposed a similar provision.

Section 532. The conference agreement continues a provision proposed by the House and Senate that requires the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 533. The conference agreement continues a provision proposed by the House and Senate prohibiting the obligation of funds made available to the Office of the Secretary and Executive Management for any new hires at DHS not verified through the basic pilot (E-Verify) program.

Section 534. The conference agreement continues a provision proposed by the House and Senate related to prescription drugs.

Section 535. The conference agreement continues a provision proposed by the House and Senate prohibiting funds made available in this Act from being used to implement a rule or regulation that implements the Notice of Proposed Rulemaking related to Petitions for Aliens to Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Section 536. The conference agreement continues a provision proposed by the House requiring the Secretary of Homeland Security, in consultation with the Secretary of Treasury, to notify the Committees of any proposed transfers from the Department of Treasury Forfeiture Fund to any agency within the Department of Homeland Security. No funds may be obligated until the Committees approve the proposed transfers. The Senate proposed a similar provision.

Section 537. The conference agreement continues a provision proposed by the House and Senate prohibiting funds for planning, testing, piloting, or developing a national identification card.

Section 538. The conference agreement continues a provision proposed by the House and Senate requiring the Assistant Secretary of Homeland Security (TSA) to certify that no security risks will result if any airport does not participate in the basic pilot (E-Verify) program.

Section 539. The conference agreement continues a provision proposed by the House and Senate that requires a report summarizing damage assessment information used to determine whether to declare a major disaster.

Section 540. The conference agreement continues a provision proposed by the Senate relating to the liquidation of Plum Island assets if the site is not chosen for the new National Bio- and Agro-defense Facility and how the proceeds from this sale may be applied. The House proposed a similar provision.

Section 541. The conference agreement includes a new provision proposed by the House amending section 4 of Public Law 110–161 by striking projects in Massachusetts, South Carolina, and California and adding different projects in those States. The Senate proposed no similar provision.

Section 542. The conference agreement continues a provision proposed by the House and Senate directing that any official required by this Act to report or certify to the Committees on Appropriations may not delegate such authority unless expressly authorized to do so in this Act.

Section 543. The conference agreement continues a provision proposed by the House extending the authority of the Predisaster Mitigation Fund until September 30, 2010. The Senate proposed no similar provision.

Section 544. The conference agreement includes a provision proposed by the Senate on

unmanned aircraft systems. The House proposed no similar provision.

Section 545. The conference agreement includes a new provision proposed by the House permitting unobligated amounts made available to Coast Guard Sector Buffalo to be used to make improvements to land to enhance public access to the Buffalo Lighthouse and the waterfront. The Senate proposed no similar provision.

Section 546. The conference agreement includes a new provision proposed by the House and Senate permitting personnel appointed or assigned to serve abroad allowances and benefits similar to those provided in the Foreign Service Act of 1990.

Section 547. The conference agreement includes and modifies a new provision proposed by the House that extends the basic pilot program (E-Verify program) by three years. Because DHS and the Social Security Administration have already entered into a memorandum of agreement on employment verification, statutory language is no longer necessary. The two GAO reports contained in the House provision are addressed under USCIS. The Senate proposed a similar extension.

Section 548. The conference agreement includes a new provision proposed by the Senate that extends the EB–5 visa program for three years. The House proposed no similar provision.

Section 549. The conference agreement includes a new provision proposed by the House that clarifies fees for fingerprinting, biometric services, and other necessary services may be collected as part of section 244 of the Immigration and Nationality Act. The Senate proposed no similar provision.

Section 550. The conference agreement includes a new provision proposed by the House and Senate that extends the risk based security standards for chemical facilities cited in Section 550 of P.L. 109–295 by one year.

Section 551. The conference agreement includes a new provision proposed by the Senate that renames ''basic pilot program'' as ''E-Verify Program''. The House proposed no similar provision.

Section 552. The conference agreement includes and modifies a new provision proposed by the House on the individuals detained at the Naval Station, Guantanamo Bay, Cuba. The Senate had no similar provision.

Section 553. The conference agreement includes a new provision proposed by the House that requires the names of individuals detained at the Naval Station, Guantanamo Bay, Cuba to be included on the No Fly List. The Senate proposed no similar provision.

Section 554. The conference agreement includes a new provision proposed by the House and Senate permitting the collection of fees for conferences, seminars, exhibits, symposiums, or similar meetings and requires an annual report on the level of collection by the Department.

Section 555. The conference agreement includes a new provision proposed by the Senate defining rural areas for purposes of section 210C of the Homeland Security Act of 2002. The House proposed no similar provision.

Section 556. The conference agreement includes a new provision proposed by the House prohibiting funds in this Act to be used for first-class travel. The Senate proposed no similar provision.

Section 557. The conference agreement includes and modifies a new provision proposed by the House prohibiting funds in this Act to be used for adverse personnel actions for employees who use protective equipment or measures, including surgical masks, N95 respirators, gloves, or hand-sanitizers in the conduct of their official duties. The Senate proposed no similar provision.

Section 558. The conference agreement includes a new provision proposed by the House prohibiting funds in this Act to be used to employ workers in contravention of section 274A(h)(3) of the Immigration and Nationality Act. The Senate proposed no similar provision.

Section 559. The conference agreement includes and modifies a new provision proposed by the Senate that prohibits the use of funds for LORAN-C after January 4, 2010, if the Commandant certifies termination will not adversely impact maritime safety and the Secretary certifies that LORAN-C is not needed as a backup to the Global Positioning System (GPS). The certifications must be submitted to the Committees on Appropriations. If such certifications are made, the sale of LORAN-C properties can be used as offsetting collections for environmental compliance and restoration activities, including costs of securing and maintaining equipment that may be used as a backup to GPS. The House proposed no similar provision.

Section 560. The conference agreement includes and modifies a new provision proposed by the Senate that prohibits the obligation of funds for construction of the National Bio- and Agro-defense Facility (NBAF) until the Secretary of DHS undertakes a bio-safety and bio-security mitigation risk assessment using plume and epidemiologic impact modeling to determine the requirements for the safe operation of NBAF in Manhattan, Kansas. Once DHS completes the risk assessment, the National Academy of Sciences shall provide an independent, expert evaluation of the DHS study within four months to ensure that risk has been adequately identified and mitigated in planning for NBAF. In addition, the Secretary of DHS, in coordination with the Secretary of Agriculture, shall report to the Committees on the procedures used to issue a permit for foot-and-mouth disease live virus research and an emergency response plan in the event of an accidental release of a hazardous pathogen originating from NBAF. The House proposed a similar provision under S&T Research, Development, Acquisition, and Operations.

Section 561. The conference agreement includes and modifies a new provision proposed by the Senate on maritime transportation security information. The House proposed no similar provision.

Section 562. The conference agreement includes a new provision proposed by the Senate on the definition of switchblade knives. The House proposed no similar provision.

Section 563. The conference agreement includes and modifies a new provision proposed by the Senate related to the Federal Deposit Insurance Act. The House proposed no similar provision.

Section 564. The conference agreement includes and modifies a new provision proposed by the Senate amending the OPEN FOIA Act relating to certain items being withheld from release. The House proposed no similar provision.

Section 565. The conference agreement includes and modifies a new provision proposed by the Senate on the release of protected national security documents. The House proposed no similar provision.

Section 566. The conference agreement includes a new provision proposed by the Senate permitting administrative law judges to be available temporarily to serve on an arbitration panel created under the American Recovery and Reinvestment Act for FEMA's Public Assistance program for Hurricanes Katrina and Rita. The House proposed no similar provision.

Section 567. The conference agreement includes a new provision proposed by the Senate on the proper disposal of personal information collected through the Registered Traveler program. A report on procedures and status is required to be submitted 90 days after the date of enactment of this Act. The House proposed no similar provision.

Section 568. The conference agreement includes and modifies a new provision proposed by the Senate extending the visa program for special immigrant nonminister religious workers and the ''Conrad 30'' rural area serving doctors program. The conferees modify treatment of surviving spouses and other relatives. The conference agreement includes reporting requirements and humanitarian consideration for pending petitions and applications. The House proposed no similar provision.

Section 569. The conference agreement includes a new provision proposed by the Senate prohibiting funds appropriated or otherwise made available by this Act to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract. The House proposed no similar provision.

Section 570. The conference agreement includes a new provision proposed by the Senate that prohibits funds appropriated or otherwise made available by this Act for DHS to enter into a federal contract unless the contract meets the Federal Property and Administrative Services Act of 1949 or Chapter 137 of title 10 U.S.C. requirements and the Federal Acquisition Regulation or the contract is authorized by statute without regard to this section. The House proposed no similar provision.

Section 571. The conference agreement includes a new provision allowing the Secretary to transfer data center migration funds made available by this Act between appropriations for the same purpose after notifying the Committees 15 days in advance.

Section 572. The conference agreement includes a new provision that specific earmarks contained in House Report 111–157 intended to be awarded to a for-profit entity shall be awarded under full and open competition.

Section 573. The conference agreement includes a provision rescinding $5,572,000 in unobligated balances for fiscal year 2009 from FEMA ''Trucking Industry Security Grants'' as proposed by the House instead of $5,500,000 as proposed by the Senate.

Section 574. The conference agreement includes a provision rescinding $2,358,000 in unobligated balances of prior year appropriations for ''Analysis and Operations'' instead of $2,203,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Section 575. The conference agreement includes a provision rescinding $8,000,000 in unobligated balances of prior year appropriations for NPPD ''Infrastructure Protection and Information Security'' as proposed by the Senate instead of $5,963,000 as proposed by the House.

Section 576. The conference agreement includes a provision rescinding $6,944,148 from unobligated balances of prior year appropriations for S&T ''Research, Development, Acquisition, and Operations'' instead of $7,500,000 as proposed by the Senate. The House proposed no similar provision. S&T shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 577. The conference agreement includes a provision rescinding $8,000,000 from unobligated balances of prior year appropriations for DNDO ''Research, Development, and Operations'' as proposed by the Senate. The House proposed no similar provision. DNDO shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 578. The conference agreement includes a new provision rescinding $4,000,000 from unobligated balances of prior year appropriations made available for TSA ''Research and Development''. TSA shall notify the Committees on the distribution of the rescission prior to its implementation.

Section 579. The conference agreement includes a new provision rescinding $800,000 from unobligated balances of prior year appropriations made available for Coast Guard ''Acquisition, Construction, and Improvements'' and specifies that this rescission must be made from completed projects.

Section 580. The conference agreement includes a new provision rescinding $5,600,000 from unobligated balances made available for the Counterterrorism Fund.

PROVISIONS NOT ADOPTED

The conference agreement does not include section 512 of the Senate bill prohibiting funds for Secure Flight to be used to test algorithms assigning risk to passengers whose names are not on a government watch list or to use databases that are under control of a non-Federal entity. Since these activities are not permitted by the final Secure Flight rule, any change would require a new rulemaking.

The conference agreement does not include section 518 of the Senate bill prohibiting funds for the National Applications Office or the National Immigration Information Sharing Operation until certain conditions were met. A modified version of this provision is included in ''Analysis and Operations''

The conference agreement does not include section 546 of the House bill clarifying how funds collected for fraud prevention and detection may be used.

The conference agreement does not include section 546 of the Senate bill that clarifies Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act, making the basic pilot (E-Verify) program permanent. The conference agreement contains a three-year extension of this program.

The conference agreement does not include section 547 of the Senate bill that requires government contractors to participate in the basic pilot (E-Verify) program. A federal regulation was finalized in September 2009 requiring federal contractors and subcontractors to use the basic pilot (E-Verify) program.

The conference agreement does not include section 549 of the Senate bill making the EB–5 visa program permanent. The conference agreement contains a three year extension of this program.

The conference agreement does not include section 550 of the Senate bill authorizing the Secretary to direct GSA to sell ICE Service Processing Centers and detention facilities that no longer meet the mission and use the funds for other ICE real property needs.

The conference agreement does not include section 551 of the House bill on certification requirements for advanced spectroscopic portal monitors, the National Academy of Sciences study, and high risk concurrent development. This provision is included under DNDO ''Systems Acquisition''.

The conference agreement does not include section 553 of the House bill on the closure of the Florida long-term recovery office in Orlando. This item is addressed under FEMA.

The conference agreement does not include section 560 of the Senate bill on border fence completion.

The conference agreement does not include section 561 of the Senate bill on no match letters.

The conference agreement does not include section 563 of the Senate bill requiring a report on Operation Streamline. This item is addressed under CBP.

The conference agreement does not include section 568 of the Senate bill requiring a report on improving cross-border inspection processes in the United States, Ontario, and Quebec. This item is addressed under CBP.

The conference agreement does not include section 573 of the Senate bill pertaining to prescription drugs. This issue is addressed under Section 534.

The conference agreement does not include section 576 of the Senate bill requiring employers to verify the immigration status of existing employees.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI the rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

HOMELAND SECURITY
[Presidentially Requested Spending Items]

Agency	Account	Project	Amount	Administration	Requester(s)
CG	Operating Expenses	Project Seahawk, SC	$1,088,000	The President	
CG	Acquisition, Construction, and Improvements	Shore and Operational Support projects, various locations	$6,000,000	The President	
NPPD	Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM	$16,000,000	The President	Jeff Bingaman; Tom Udall
FEMA	State and Local Programs	National Domestic Preparedness Consortium:			
		National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology, NM	$12,875,000	The President	Jeff Bingaman; Tom Udall
		National Center for Biomedical Research and Training, Louisiana State University, LA	$12,875,000	The President	Rodney Alexander; Mary Landrieu
		National Emergency Response and Rescue Training Center, Texas A&M University, TX	$12,875,000	The President	Chet Edwards; John Carter; John Cornyn; Kay Bailey Hutchison
		National Exercise, Test, and Training Center, Nevada Test Site, NV	$12,875,000	The President	Harry Reid
FEMA	State and Local Programs	Center for Domestic Preparedness, AL	$62,500,000	The President	Richard Shelby; Mike Rogers (AL)
S&T	Research, Development, Acquisition, and Operations	Naval Postgraduate School, CA	$2,000,000	The President	Sam Farr
S&T	Research, Development, Acquisition, and Operations	Physical Science Facility, Pacific Northwest National Laboratory, WA	$12,000,000	The President	Patty Murray; Norman Dicks; Doc Hastings
S&T	Research, Development, Acquisition, and Operations	Transportation Security Laboratory, NJ	$5,000,000	The President	

HOMELAND SECURITY
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
DHS	Office of the Under Secretary for Management	Center of Excellence in Logistics and Technology (LOGTECH), Institute for Defense and Business, The University of North Carolina, Chapel Hill, NC	$1,000,000	David Price
CBP	Salaries & Expenses	Portable Solar Charging Rechargeable Battery System, Global Solar, AZ	$800,000	Ed Pastor
CBP	Construction and Facilities Management	Advanced Training Center, WV	$39,700,000	Robert Byrd
CBP	Construction and Facilities Management	Hangar and Offices for U.S. Customs and Border Protection, City of El Paso, TX	$3,500,000	Silvestre Reyes
TSA	Aviation Security	Transportation Security Research and Training Center, National Safe Skies Alliance, TN	$1,250,000	John Duncan Jr.
CG	Operating Expenses	Operations Systems Center, WV	$3,600,000	Robert Byrd
CG	Acquisition, Construction, and Improvements	Coast Guard Academy Pier, CT	$300,000	Christopher Dodd
CG	Acquisition, Construction, and Improvements	Coast Guard Station Cleveland Harbor, OH	$16,800,000	George Voinovich
CG	Alteration of Bridges	Fort Madison, IA	$4,000,000	Tom Harkin; David Loebsack
NPPD	Infrastructure Protection and Information Security	National Infrastructure Simulation and Analysis Center, NM	$4,000,000	Jeff Bingaman; Tom Udall

HOMELAND SECURITY—Continued
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
NPPD	Infrastructure Protection and Information Security	Philadelphia Buffer Zone Protection Video Surveillance Expansion Project, City of Philadelphia, PA	$1,000,000	Chaka Fattah
NPPD	Infrastructure Protection and Information Security	State and Local Cyber Security Training, University of Texas, San Antonio, TX	$3,500,000	Ciro Rodriguez
NPPD	Infrastructure Protection and Information Security	Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory, Idaho National Laboratory, ID	$3,000,000	Michael Simpson; Mike Crapo; James Risch
NPPD	Infrastructure Protection and Information Security	Cyber Security Test Bed & Evaluation Center, RTI International, NC	$3,500,000	David Price
NPPD	Infrastructure Protection and Information Security	Multi-State Information Sharing and Analysis Center (MS-ISAC), NY, Office of State Cyber Security & Critical Infrastructure Coordination	$3,000,000	Nita Lowey; Yvette Clarke
NPPD	Infrastructure Protection and Information Security	Virginia Operational Integration Cyber Center of Excellence (VOICCE), City of Hampton, VA	$500,000	Glenn Nye; Robert Wittman
NPPD	Infrastructure Protection and Information Security	The Upstate NY Cyber Initiative, Clarkson University, NY	$100,000	John McHugh; Charles Schumer
NPPD	Infrastructure Protection and Information Security	SEARCH, Sacramento, CA	$1,000,000	Steven Rothman
OHA	Office of Health Affairs	North Carolina Collaboratory for Bio-Preparedness (NC B-Prepared), School of Information & Library Science, The University of North Carolina at Chapel Hill, NC	$5,000,000	David Price; Bob Etheridge; Brad Miller; Kay Hagan
FEMA	State and Local Programs	Emergency Operations Center, Benton County Emergency Management Commission, IA	$500,000	Leonard Boswell
FEMA	State and Local Programs	Emergency Operations Center, Brazoria County Emergency Management, TX	$100,000	Ron Paul
FEMA	State and Local Programs	Emergency Operations Center, Butte-Silver Bow, MT	$800,000	Dennis Rehberg; Jon Tester
FEMA	State and Local Programs	Emergency Operations Center, Calvert County Department of Public Safety, MD	$338,000	Steny Hoyer; Benjamin Cardin
FEMA	State and Local Programs	Emergency Operations Center, City of Alamosa Fire Department, CO	$425,000	John Salazar
FEMA	State and Local Programs	Emergency Operations Center, City of Ames, IA	$600,000	Tom Harkin; Tom Latham
FEMA	State and Local Programs	Emergency Operations Center, City of Boerne, TX	$250,000	Lamar Smith
FEMA	State and Local Programs	Emergency Operations Center, City of Brawley, CA	$500,000	Bob Filner
FEMA	State and Local Programs	Emergency Operations Center, City of Brigantine, NJ	$300,000	Frank LoBiondo
FEMA	State and Local Programs	Emergency Operations Center, City of Brookings, OR	$350,000	Peter DeFazio
FEMA	State and Local Programs	Emergency Operations Center, City of Chicago, IL	$1,000,000	Richard Durbin
FEMA	State and Local Programs	Emergency Operations Center, City of Commerce, CA	$1,000,000	Lucille Roybal-Allard
FEMA	State and Local Programs	Emergency Operations Center, City of Cupertino, CA	$300,000	Michael Honda
FEMA	State and Local Programs	Emergency Operations Center, City of Detroit, MI	$1,000,000	Carolyn Kilpatrick; John Conyers; Debbie Stabenow; Carl Levin
FEMA	State and Local Programs	Emergency Operations Center, City of Elk Grove, CA	$750,000	Daniel Lungren
FEMA	State and Local Programs	Emergency Operations Center, City of Green Cove Springs, FL	$400,000	Corrine Brown
FEMA	State and Local Programs	Emergency Operations Center, City of Greenville, NC	$600,000	G.K. Butterfield

FEMA	State and Local Programs	Emergency Operations Center, City of Hackensack, NJ	$300,000	Frank Lautenberg; Robert Menendez
FEMA	State and Local Programs	Emergency Operations Center, City of Hartford, CT	$800,000	John Larson
FEMA	State and Local Programs	Emergency Operations Center, City of Hopewell, VA	$250,000	Randy Forbes
FEMA	State and Local Programs	Emergency Operations Center, City of La Habra, CA	$254,500	Gary Miller
FEMA	State and Local Programs	Emergency Operations Center, City of Las Vegas, NV	$600,000	Shelley Berkley; Dina Titus; Harry Reid
FEMA	State and Local Programs	Emergency Operations Center, City of Lauderdale Lakes, FL	$750,000	Debbie Wasserman Schultz; Alcee Hastings
FEMA	State and Local Programs	Emergency Operations Center, City of Minneapolis, MN	$750,000	Keith Ellison; Amy Klobuchar
FEMA	State and Local Programs	Emergency Operations Center, City of Monterey Park, CA	$375,000	Adam Schiff; Judy Chu
FEMA	State and Local Programs	Emergency Operations Center, City of Moreno Valley, CA	$400,000	Mary Bono Mack
FEMA	State and Local Programs	Emergency Operations Center, City of Mount Vernon, NY	$1,000,000	Kristen Gillibrand; Charles Schumer
FEMA	State and Local Programs	Emergency Operations Center, City of Newark, NJ	$1,000,000	Steven Rothman
FEMA	State and Local Programs	Emergency Operations Center, City of North Little Rock, AR	$900,000	Blanche Lincoln; Mark Pryor; Vic Snyder
FEMA	State and Local Programs	Emergency Operations Center, City of Palm Coast, FL	$350,000	John Mica
FEMA	State and Local Programs	Emergency Operations Center, City of Port Gibson, MS	$750,000	Bennie Thompson; Thad Cochran
FEMA	State and Local Programs	Emergency Operations Center, City of Scottsdale, AZ	$500,000	Harry Mitchell
FEMA	State and Local Programs	Emergency Operations Center, City of Sunrise, FL	$750,000	Debbie Wasserman Schultz; Robert Wexler; Alcee Hastings; Bill Nelson
FEMA	State and Local Programs	Emergency Operations Center, City of Tavares, FL	$500,000	Alan Grayson
FEMA	State and Local Programs	Emergency Operations Center, City of Torrington, CT	$400,000	John Larson; Christopher Murphy
FEMA	State and Local Programs	Emergency Operations Center, City of Whitefish, MT	$900,000	Jon Tester
FEMA	State and Local Programs	Emergency Operations Center, City of Whittier, CA	$500,000	Linda Sánchez
FEMA	State and Local Programs	Emergency Operations Center, City of Wichita, KS	$500,000	Todd Tiahrt
FEMA	State and Local Programs	Emergency Operations Center, Columbia County, OR	$500,000	David Wu
FEMA	State and Local Programs	Emergency Operations Center, County of Union, NJ	$500,000	Leonard Lance; Frank Lautenberg; Robert Menendez;
FEMA	State and Local Programs	Emergency Operations Center, Dorchester County, SC	$400,000	Henry Brown; Lindsay Graham
FEMA	State and Local Programs	Emergency Operations Center, Fulton County (Atlanta) Emergency Management Agency, GA	$200,000	John Lewis; David Scott
FEMA	State and Local Programs	Emergency Operations Center, Howell County Emergency Preparedness, MO	$250,000	Jo Ann Emerson
FEMA	State and Local Programs	Emergency Operations Center, Jackson County Sheriff's Office, MO	$500,000	Emanuel Cleaver
FEMA	State and Local Programs	Emergency Operations Center, Johnson County, TX	$750,000	Chet Edwards
FEMA	State and Local Programs	Emergency Operations Center, Kentucky Emergency Management, KY	$500,000	Harold Rogers
FEMA	State and Local Programs	Emergency Operations Center, Lake County, FL	$800,000	Corrine Brown; Cliff Stearns
FEMA	State and Local Programs	Emergency Operations Center, Lea County, NM	$600,000	Harry Teague
FEMA	State and Local Programs	Emergency Operations Center, Lincoln County, WA	$1,000,000	Patty Murray
FEMA	State and Local Programs	Emergency Operations Center, Lycoming County, PA	$250,000	Christopher Carney

HOMELAND SECURITY—Continued
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
FEMA	State and Local Programs	Emergency Operations Center, Macomb County Emergency Management and Communications, MI	$250,000	Candice Miller; Debbie Stabenow; Carl Levin
FEMA	State and Local Programs	Emergency Operations Center, Mercer County Emergency Management Agency, KY	$300,000	Ben Chandler
FEMA	State and Local Programs	Emergency Operations Center, Middle Rio Grande Development Council, TX	$1,000,000	Ciro Rodriguez
FEMA	State and Local Programs	Emergency Operations Center, Minooka Fire Protection District, IL	$250,000	Deborah Halvorson
FEMA	State and Local Programs	Emergency Operations Center, Mobile County Commission, AL	$800,000	Jo Bonner
FEMA	State and Local Programs	Emergency Operations Center, Monroe County, FL	$200,000	Ileana Ros-Lehtinen
FEMA	State and Local Programs	Emergency Operations Center, Morris County, New Jersey Office of Emergency Management, NJ	$1,000,000	Rodney Frelinghuysen
FEMA	State and Local Programs	Emergency Operations Center, New Orleans Emergency Medical Services, LA	$750,000	Anh "Joseph" Cao; Steve Scalise
FEMA	State and Local Programs	Emergency Operations Center, North Carolina Office of Emergency Management, NC	$1,000,000	David Price
FEMA	State and Local Programs	Emergency Operations Center, North Hudson Regional Fire and Rescue, NJ	$500,000	Albio Sires
FEMA	State and Local Programs	Emergency Operations Center, North Louisiana Regional, Lincoln Parish, LA	$980,000	Mary Landrieu; Rodney Alexander
FEMA	State and Local Programs	Emergency Operations Center, Ohio Emergency Management Agency, Columbus, OH	$1,500,000	George Voinovich
FEMA	State and Local Programs	Emergency Operations Center, Passaic County Prosecutor's Office, NJ	$250,000	Steven Rothman
FEMA	State and Local Programs	Emergency Operations Center, City of Providence, RI	$980,000	Jack Reed; James Langevin
FEMA	State and Local Programs	Emergency Operations Center, San Francisco Department of Emergency Management, CA	$800,000	Nancy Pelosi
FEMA	State and Local Programs	Emergency Operations Center, Sarasota County, FL	$300,000	Vern Buchanan
FEMA	State and Local Programs	Emergency Operations Center, Scotland County, NC	$650,000	Larry Kissell
FEMA	State and Local Programs	Emergency Operations Center, Somerset County, ME	$500,000	Michael Michaud; Olympia Snowe
FEMA	State and Local Programs	Emergency Operations Center, State of Maryland, MD	$1,500,000	Dutch Ruppersberger; Benjamin Cardin
FEMA	State and Local Programs	Emergency Operations Center, City of Maitland, FL	$158,000	Suzanne Kosmas
FEMA	State and Local Programs	Emergency Operations Center, Tohono O'odham Nation	$500,000	Raúl Grijalva
FEMA	State and Local Programs	Emergency Operations Center, Towamencin Township, PA	$75,000	Allyson Schwartz
FEMA	State and Local Programs	Emergency Operations Center, Town of Harrison, NY	$275,000	Nita Lowey
FEMA	State and Local Programs	Emergency Operations Center, Town of Shorter, AL	$500,000	Mike Rogers (AL)
FEMA	State and Local Programs	Emergency Operations Center, Township of Irvington, NJ	$750,000	Donald Payne
FEMA	State and Local Programs	Emergency Operations Center, Township of Old Bridge, NJ	$500,000	Rush Holt
FEMA	State and Local Programs	Emergency Operations Center, Township of South Orange Village, South Orange, NJ	$247,000	Frank Lautenberg; Robert Menendez
FEMA	State and Local Programs	Emergency Operations Center, Upper Darby Township Police Department, PA	$500,000	Joe Sestak
FEMA	State and Local Programs	Emergency Operations Center, Village of Elmsford, NY	$165,000	Nita Lowey

FEMA	State and Local Programs	Emergency Operations Center, Washington Parish Government, LA	$350,000	Steve Scalise
FEMA	State and Local Programs	Emergency Operations Center, Westmoreland County Department of Public Safety, PA	$900,000	John Murtha
FEMA	State and Local Programs	Emergency Operations Center, Williamsburg County, SC	$1,000,000	James Clyburn
FEMA	State and Local Programs	Emergency Operations Center, Winston County Commission, AL	$20,000	Robert Aderholt
FEMA	State and Local Programs	National Domestic Preparedness Consortium: National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology, NM National Center for Biomedical Research and Training, Louisiana State University, LA National Emergency Response and Rescue Training Center, Texas A&M University, TX National Exercise, Test, and Training Center, Nevada Test Site, NV National Disaster Preparedness Training Center, University of Hawaii, HI Surface Transportation Emergency Preparedness and Response Training	 $10,125,000 $10,125,000 $10,125,000 $10,125,000 $5,000,000 $5,000,000	 Jeff Bingaman; Tom Udall Rodney Alexander; Mary Landrieu Chet Edwards; John Carter; John Cornyn; Kay Bailey Hutchison Harry Reid Daniel Inouye Michael Bennet; John Salazar
FEMA	State and Local Programs	Counterterrorism and Cybercrime Center, Norwich University, Northfield, VT	$1,700,000	Patrick Leahy
FEMA	State and Local Programs	Rural Domestic Preparedness Consortium, Eastern Kentucky University, KY	$3,000,000	Harold Rogers; George Voinovich
FEMA	Predisaster Mitigation	Alabama Emergency Management Agency, AL	$200,000	Spencer Bachus
FEMA	Predisaster Mitigation	Arkansas Department of Emergency Management, AR	$750,000	Marion Berry
FEMA	Predisaster Mitigation	Arkansas State University-Beebe, AR	$452,000	Vic Snyder
FEMA	Predisaster Mitigation	Brigham City Corporation, UT	$250,000	Rob Bishop; Robert Bennett; Orrin Hatch
FEMA	Predisaster Mitigation	CHRISTUS St. Elizabeth Hospital, Beaumont, TX	$250,000	Ted Poe; Kay Bailey Hutchison
FEMA	Predisaster Mitigation	City of Brooksville, KY	$18,500	Geoff Davis
FEMA	Predisaster Mitigation	City of Burbank, CA	$225,000	Adam Schiff
FEMA	Predisaster Mitigation	City of Camanche, IA	$187,500	Bruce Braley
FEMA	Predisaster Mitigation	City of Coconut Creek, FL	$500,000	Ron Klein; Robert Wexler
FEMA	Predisaster Mitigation	City of Colton, CA	$200,000	Joe Baca
FEMA	Predisaster Mitigation	City of Davis, CA	$275,000	Mike Thompson
FEMA	Predisaster Mitigation	City of Emeryville, CA	$600,000	Barbara Lee
FEMA	Predisaster Mitigation	City of Flagler Beach, FL	$750,000	John Mica
FEMA	Predisaster Mitigation	City of Hartselle, AL	$245,000	Robert Aderholt
FEMA	Predisaster Mitigation	City of Hidalgo, TX	$500,000	Henry Cuellar
FEMA	Predisaster Mitigation	City of Hokah, MN	$590,000	Timothy Walz; Amy Klobuchar
FEMA	Predisaster Mitigation	City of Kannapolis, NC	$425,000	Howard Coble; Larry Kissell
FEMA	Predisaster Mitigation	City of Los Angeles, CA	$1,000,000	Lucille Roybal-Allard
FEMA	Predisaster Mitigation	City of Los Angeles, CA	$500,000	Brad Sherman
FEMA	Predisaster Mitigation	City of Maryville, MO	$175,000	Sam Graves
FEMA	Predisaster Mitigation	City of Miami Beach, FL	$750,000	Debbie Wasserman Schultz
FEMA	Predisaster Mitigation	City of Miami, FL	$600,000	Kendrick Meek; Ileana Ros-Lehtinen
FEMA	Predisaster Mitigation	City of New Braunfels, TX	$500,000	Lamar Smith; Kay Bailey Hutchison

HOMELAND SECURITY—Continued
[Congressionally Directed Spending Items]

Agency	Account	Project	Amount	Requester(s)
FEMA	Predisaster Mitigation	City of Prattville, AL	$500,000	Bobby Bright
FEMA	Predisaster Mitigation	City of Reno, NV	$500,000	Dean Heller; Harry Reid
FEMA	Predisaster Mitigation	City of Robstown, TX	$500,000	Solomon Ortiz
FEMA	Predisaster Mitigation	City of Rockville, MD	$650,000	Chris Van Hollen; Benjamin Cardin
FEMA	Predisaster Mitigation	City of Santa Clarita, CA	$500,000	Howard ''Buck'' McKeon
FEMA	Predisaster Mitigation	City of Trenton, NJ	$300,000	Rush Holt; Christopher Smith; Frank Lautenberg; Robert Menendez
FEMA	Predisaster Mitigation	City of Venice, FL	$200,000	Vern Buchanan
FEMA	Predisaster Mitigation	DeKalb County, IL	$350,000	Donald Manzullo
FEMA	Predisaster Mitigation	Drew County, AR	$366,564	Mike Ross
FEMA	Predisaster Mitigation	Harris County Flood Control District, TX	$1,000,000	John Culberson
FEMA	Predisaster Mitigation	Henry County, GA	$275,000	David Scott
FEMA	Predisaster Mitigation	Jackson Health System, Miami, FL	$500,000	Debbie Wasserman Schultz, Kendrick Meek, Mario Diaz-Balart, Ileana Ros-Lehtinen
FEMA	Predisaster Mitigation	Kentucky Emergency Management, KY	$500,000	Harold Rogers
FEMA	Predisaster Mitigation	King County, WA	$750,000	David Reichert; Patty Murray
FEMA	Predisaster Mitigation	Lake County Stormwater Management Agency, OH	$725,000	Steven LaTourette
FEMA	Predisaster Mitigation	Lorain County, OH	$200,000	Betty Sutton
FEMA	Predisaster Mitigation	Louisville-Metro Government, KY	$500,000	John Yarmuth
FEMA	Predisaster Mitigation	Lucas County Engineer, OH	$500,000	Marcy Kaptur
FEMA	Predisaster Mitigation	McDowell Hospital, Marion, NC	$220,000	Heath Shuler
FEMA	Predisaster Mitigation	Mississippi Homeland Security Office, MS	$500,000	Bennie Thompson
FEMA	Predisaster Mitigation	North Carolina Office of Emergency Management, NC	$165,000	David Price
FEMA	Predisaster Mitigation	Ohio University, Athens, OH	$200,000	Charles Wilson
FEMA	Predisaster Mitigation	Orange County Fire Authority, CA	$252,000	Ken Calvert
FEMA	Predisaster Mitigation	Russell County Fiscal Court, KY	$200,000	Ed Whitfield
FEMA	Predisaster Mitigation	San Miguel County, NM	$400,000	Ben Luján
FEMA	Predisaster Mitigation	Shelby County, Memphis, TN	$325,000	Steve Cohen; Lamar Alexander; Bob Corker
FEMA	Predisaster Mitigation	State of Maryland, MD	$1,000,000	Dutch Ruppersberger; Benjamin Cardin
FEMA	Predisaster Mitigation	Town of Hambleton and Town of Davis, WV	$450,000	Alan Mollohan
FEMA	Predisaster Mitigation	Town of Occoquan, VA	$25,000	Gerry Connolly
FEMA	Predisaster Mitigation	Town of Shelter Island, NY	$200,000	Timothy Bishop

FEMA	Predisaster Mitigation	Town of Union and City of Binghamton, NY	$462,000	Maurice Hinchey
FEMA	Predisaster Mitigation	Town of Winthrop, MA	$500,000	Edward Markey
FEMA	Predisaster Mitigation	Village of La Grange Park, IL	$150,000	Daniel Lipinski
FEMA	Predisaster Mitigation	Village of Pelham, NY	$562,500	Nita Lowey
FEMA	Predisaster Mitigation	Westport Fire Department, CT	$265,000	James Himes
S&T	Research, Development, Acquisition, and Operations	Cincinnati Urban Area partnership, OH	$2,000,000	George Voinovich
S&T	Research, Development, Acquisition, and Operations	Distributed Environment for Critical Infrastructure Decisionmaking Exercises, multiple locations	$3,000,000	Robert Bennett; Patrick Leahy; Rob Bishop
S&T	Research, Development, Acquisition, and Operations	Homeland Security Research, Development, and Manufacturing Pilot, Long Island Forum for Technology, NY	$1,000,000	Steve Israel; Peter King
S&T	Research, Development, Acquisition, and Operations	Maritime Domain Awareness and Maritime Security Technology Pilot, SRI International, FL	$4,000,000	C.W. "Bill" Young
S&T	Research, Development, Acquisition, and Operations	National Institute for Hometown Security, KY	$10,000,000	Harold Rogers
S&T	Research, Development, Acquisition, and Operations	Remote Sensing for Situational Awareness and Decision Support, Rochester Institute of Technology, NY	$500,000	Daniel Maffei; Christopher Lee
S&T	Research, Development, Acquisition, and Operations	Southeast Region Research Initiative, TN	$20,865,000	Thad Cochran; Roger Wicker; Gregg Harper
	General Provision	Franklin Regional Council of Governments, MA		John Olver
	General Provision	Town of Lanesborough, MA		John Olver
	General Provision	Office of Environmental Health and Safety, University of Massachusetts, MA		John Olver
	General Provision	Town of Branchville, SC		James Clyburn
	General Provision	Monterey County Water Resources Agency, CA		Sam Farr
	General Provision	Sector Buffalo, NY, Coast Guard		Brian Higgins

FUNDING RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs are contained in the table listed below.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2009	$44,367,748
Budget estimates of new (obligational) authority, fiscal year 2010	44,190,938
House bill, fiscal year 2010	43,978,245
Senate bill, fiscal year 2010	44,287,748
Conference agreement, fiscal year 2010	44,137,241
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009	−230,507
Budget estimates of new (obligational) authority, fiscal year 2010	−53,697
House bill, fiscal year 2010	+158,996
Senate bill, fiscal year 2010	−150,507

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS			
Departmental Operations			
Office of the Secretary and Executive Management:			
Immediate Office of the Secretary	3,140	5,061	5,061
Immediate Office of the Deputy Secretary	1,400	1,810	1,810
Chief of Staff	2,693	2,595	2,595
Office of Counternarcotics Enforcement	3,718	3,912	3,612
Executive Secretary	7,448	8,344	7,800
Office of Policy	43,263	61,564	51,564
Office of Public Affairs	5,991	6,539	5,991
Office of Legislative Affairs	4,997	7,097	6,797
Office of Intergovernmental Affairs	---	2,800	2,800
Office of General Counsel	20,114	24,028	24,028
Office for Civil Rights and Civil Liberties	17,417	22,104	21,104
Citizenship and Immigration Services Ombudsman	6,471	6,935	6,685
Privacy Officer	6,804	7,971	7,971
Subtotal, Office of the Secretary and Executive Management	123,456	160,760	147,818
Office of the Under Secretary for Management:			
Under Secretary for Management	2,654	2,864	2,864
Emergency appropriations (P. L. 111-5)	200,000	---	---
Subtotal, Under Secretary for Management	202,654	2,864	2,864
Office of Security	60,882	95,193	90,193
Office of the Chief Procurement Officer	39,003	71,038	68,538
Office of the Chief Human Capital Officer:			
Salaries and expenses	28,827	34,404	32,604
Human resources	10,000	10,000	10,000
Subtotal, Office of the Chief Human Capital Officer	38,827	44,404	42,604
Office of the Chief Administrative Officer:			
Salaries and expenses	44,427	43,491	44,491
Nebraska Avenue Complex (NAC)	6,000	6,000	5,500
DHS headquarters lease consolidation	---	75,000	---
Subtotal, Office of the Chief Administrative Officer	50,427	124,491	49,991
Total, Office of the Under Secretary for Management	391,793	337,990	254,190
Office of the Chief Financial Officer	55,235	65,530	60,530
Office of the Chief Information Officer:			
Salaries and expenses	86,928	86,912	86,912
Information technology services	44,945	51,417	51,417
Security activities	92,623	152,403	152,403
Homeland Secure Data Network (HSDN)	47,673	47,661	47,661
Subtotal, Office of the Chief Information Officer	272,169	338,393	338,393
Analysis and Operations	327,373	357,345	335,030
Total, Departmental Operations	1,170,026	1,260,018	1,135,961

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Office of the Federal Coordinator for Gulf Coast Rebuilding	1,900	2,000	2,000
Office of Inspector General			
Office of Inspector General	98,513	127,874	113,874
Emergency appropriations (P. L. 111-5)	5,000	---	---
Transfer from Disaster Relief	(16,000)	---	(16,000)
Subtotal, Office of Inspector General (including transfers)	119,513	127,874	129,874
Appropriations	(98,513)	(127,874)	(113,874)
Emergency appropriations	(5,000)	---	---
by transfer	(16,000)	---	(16,000)
Total, title I, Departmental Management and Operations (including transfers)	1,291,439	1,389,892	1,267,835
Appropriations	(1,070,439)	(1,389,892)	(1,251,835)
Emergency appropriations	(205,000)	---	---
by transfer	(16,000)	---	(16,000)
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS			
U.S. Customs and Border Protection			
Salaries and expenses:			
Headquarters, Management, and Administration:			
Management and administration, border security inspections and trade facilitation	646,608	522,825	520,575
Management and administration, border security and control between ports of entry	622,550	497,675	495,425
Rent	---	---	402,263
Subtotal, Headquarters, Mgt & Admin	1,269,158	1,020,500	1,418,263
Border security inspections and trade facilitation:			
Inspections, trade, and travel facilitation at ports of entry	2,093,988	2,255,210	2,262,235
Harbor maintenance fee collection (trust fund)	3,154	3,226	3,226
International cargo screening	149,450	165,421	162,000
Other international programs	10,984	11,181	11,181
Customs-Trade Partnership Against Terrorism (C-TPAT)	64,496	62,612	62,612
Trusted Traveler programs	11,274	11,274	11,274
Inspection and detection technology investments	145,944	143,563	153,563
Emergency appropriations (P. L. 111-5)	160,000	---	---
Emergency appropriations (P. L. 111-32)	46,200	---	---
Subtotal	352,144	143,563	153,563
Automated targeting systems	32,550	32,560	32,560
National Targeting Center	24,481	26,355	26,355
Training	24,778	24,778	24,778
Subtotal, Border security inspections and trade facilitation	2,767,299	2,736,180	2,749,784

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Border security and control between ports of entry:			
Border security and control	3,426,455	3,505,008	3,535,286
Training	74,815	51,751	51,751
Subtotal, Border security and control between ports of entry	3,501,270	3,556,759	3,587,037
Air and Marine Operations	271,679	309,629	309,629
Subtotal, Salaries and expenses	7,809,406	7,623,068	8,064,713
Appropriations	(7,600,052)	(7,619,842)	(8,061,487)
Emergency appropriations	(206,200)	---	---
Harbor maintenance trust fund	(3,154)	(3,226)	(3,226)
Automation modernization:			
Automated commercial environment/International Trade Data System (ITDS)	316,851	267,960	227,960
Current operations protection and processing support (COPPS)	194,483	194,485	194,485
Subtotal, Automation modernization	511,334	462,445	422,445
Border security fencing, infrastructure, and technology (BSFIT):			
Development and deployment	505,000	494,000	508,000
Operation and maintenance	150,000	200,000	200,000
Program management	120,000	85,452	92,000
Emergency appropriations (P. L. 111-5)	100,000	---	---
Subtotal, BSFIT	875,000	779,452	800,000
Appropriations	(775,000)	(779,452)	(800,000)
Emergency appropriations	(100,000)	---	---
Air and Marine Interdiction, Operations, Maintenance, and Procurement:			
Operations and maintenance	380,022	374,217	374,217
Procurement	147,978	131,609	145,609
Emergency appropriations (P. L. 111-32)	5,000	---	---
Subtotal, Air and marine interdiction, operations, maintenance, and procurement	533,000	505,826	519,826
Appropriations	(528,000)	(505,826)	(519,826)
Emergency appropriations	(5,000)	---	---
Construction and facilities management:			
Facility construction and sustainment	403,201	239,357	282,557
Rent	---	402,263	---
Program oversight and management	---	37,013	37,013
Emergency appropriations (P. L. 111-5)	420,000	---	---
Subtotal, Construction and facilities management	823,201	678,633	319,570
Total, Direct appropriations for Customs and and Border Protection	10,551,941	10,049,424	10,126,554
Fee accounts:			
Immigration inspection user fee	(570,059)	(584,000)	(584,000)
Immigration enforcement fines	(3,331)	(5,000)	(5,000)
Land border inspection fee	(26,880)	(30,000)	(30,000)
COBRA passenger inspection fee	(410,666)	(393,000)	(393,000)
APHIS inspection fee	(333,433)	(320,000)	(320,000)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Puerto Rico collections	(96,719)	(92,000)	(92,000)
Small airport user fees	(7,057)	(8,000)	(8,000)
Subtotal, fee accounts	(1,448,145)	(1,432,000)	(1,432,000)
Total, U.S. Customs and Border Protection	(12,000,086)	(11,481,424)	(11,558,554)
Appropriations	(9,820,741)	(10,049,424)	(10,126,554)
Emergency apropriations	(731,200)	---	---
(Fee accounts)	(1,448,145)	(1,432,000)	(1,432,000)
U.S. Immigration and Customs Enforcement			
Salaries and expenses:			
Headquarters Management and Administration (non-detention and removal operations):			
Personnel compensation and benefits, service and other costs	203,076	321,850	279,073
Headquarters managed IT investment	169,348	243,264	233,264
Subtotal, Headquarters management and administration	372,424	565,114	512,337
Legal proceedings	215,035	221,666	221,666
Investigations:			
Domestic	1,519,208	1,615,551	1,649,551
Emergency appropriations (P.L. 111-32)	55,000	---	---
Subtotal, Domestic investigations	1,574,208	1,615,551	1,649,551
International investigations:			
International operations	106,741	112,872	112,872
Visa security program	26,800	30,186	30,686
Subtotal, International investigations	133,541	143,058	143,558
Subtotal, Investigations	1,707,749	1,758,609	1,793,109
Intelligence	55,789	67,842	69,842
Detention and removal operations:			
Custody Operations	1,721,268	1,771,168	1,771,168
Fugitive operations	226,477	229,682	229,682
Criminal Alien program	189,069	192,539	192,539
Alternatives to detention	63,000	63,913	69,913
Transportation and removal program	281,399	281,878	281,878
Emergency appropriations (P.L. 111-32)	11,800	---	---
Subtotal, Detention and removal operations	2,493,013	2,539,180	2,545,180
Identification and removal of criminal aliens	150,000	195,589	200,000
Subtotal, Salaries and expenses	4,994,010	5,348,000	5,342,134
Appropriations	(4,927,210)	(5,348,000)	(5,342,134)
Emergency appropriations	(66,800)	---	---
Federal protective service:			
Basic security	213,673	---	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Building specific security (including capital equipment replacement/acquisition)	426,327	---	---
Subtotal, Federal Protective Service	640,000	---	---
Offsetting fee collections	-640,000	---	---
Automation modernization	57,000	110,000	90,000
Emergency appropriations (P. L. 111-5)	20,000	---	---
Subtotal, Automation moderization	77,000	110,000	90,000
Construction	5,000	---	4,818
Total, Direct appropriations for U.S. Immigration Customs Enforcement	5,076,010	5,458,000	5,436,952
Fee accounts:			
Immigration inspection user fee	(119,000)	(109,800)	(109,800)
Breached bond/detention fund	(60,000)	(75,000)	(75,000)
Student exchange and visitor fee	(120,000)	(120,000)	(120,000)
Subtotal, fee accounts	(299,000)	(304,800)	(304,800)
Subtotal, U.S. Immigration and Customs Enforcement (gross)	(6,015,010)	(5,762,800)	(5,741,752)
Offsetting fee collections	(-640,000)	---	---
Total, U.S. Immigration and Customs Enforcement.	(5,375,010)	(5,762,800)	(5,741,752)
Appropriations	(4,989,210)	(5,458,000)	(5,436,952)
Emergency appropriations	(86,800)	---	---
Fee accounts	(299,000)	(304,800)	(304,800)
Transportation Security Administration			
Aviation security:			
Screening operations:			
Screener workforce:			
Privatized screening	151,272	149,643	149,643
Screener personnel, compensation, and benefits	2,716,014	2,788,575	2,758,575
Subtotal, Screener workforce	2,867,286	2,938,218	2,908,218
Screener training and other	197,318	203,463	204,713
Checkpoint support	250,000	128,739	128,739
Emergency appropriations (P. L. 111-5)	1,000,000	---	---
EDS/ETD Systems:			
EDS procurement and installation	294,000	856,591	778,300
Screening technology maintenance and utilities	305,625	326,625	316,625
Operation integration	21,481	21,481	21,481
Subtotal, EDS/ETD Systems	621,106	1,204,697	1,116,406
Subtotal, Screening operations	4,935,710	4,475,117	4,358,076

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Aviation security direction and enforcement:			
Aviation regulation and other enforcement	245,268	254,064	254,064
Airport management and support	401,666	448,424	453,924
FFDO and flight crew training	25,025	25,127	25,127
Air cargo	122,849	108,118	122,849
Airport perimeter security	4,000	---	---
Subtotal, Aviation security direction and enforcement	798,808	835,733	855,964
Implementing requirements of P.L. 110-53	20,000	---	---
Discretionary fee proposal:			
General aviation at DCA	(75)	---	---
Indirect air cargo	(200)	---	---
Certified cargo screening program	---	(5,200)	---
Large aircraft security program	---	(1,600)	---
Secure identification display area checks	---	(10,000)	---
Other security threat assessments	---	(100)	---
Total, Discretionary fee proposal	(275)	(16,900)	---
Aviation security capital fund (mandatory)	(250,000)	(250,000)	(250,000)
Total, Aviation security (gross) (including transfers)	5,754,518	5,310,850	5,214,040
Offsetting fee collections (non-mandatory)	-2,320,000	-2,100,000	-2,100,000
Fee-funded programs (nonadd)	(-275)	(-16,900)	---
Total, Aviation security (net)	3,434,518	3,210,850	3,114,040
Appropriations	(2,434,518)	(3,210,850)	(3,114,040)
Emergency appropriations	(1,000,000)	---	---
Aviation security capital fund	(250,000)	(250,000)	(250,000)
Surface transportation security:			
Staffing and operations	24,885	42,293	42,293
Surface transportation security inspectors and canines	24,721	86,123	68,223
Subtotal, Surface transportation security	49,606	128,416	110,516
Transportation Threat Assessment and Credentialing:			
Secure Flight	82,211	84,363	84,363
Crew and other vetting programs	33,807	107,636	87,636
Registered Traveler Program fees	(10,000)	---	---
TWIC fees	(9,000)	(9,000)	(9,000)
Hazardous materials fees	(18,000)	(15,000)	(15,000)
Alien Flight School fees (by transfer from DOJ)	(3,000)	(4,000)	(4,000)
Certified cargo screening program	---	---	(5,200)
Large aircraft security program	---	---	(1,600)
Secure identification display area checks	---	---	(10,000)
Other security threat assessments	---	---	(100)
General aviation at DCA	---	(100)	(100)
Indirect air cargo	---	(2,600)	(2,600)
Sensitive security information (SSI) fees	---	(20)	(20)
Subtotal, Transportation Threat Assessment and Credentialing (Gross)	(156,018)	(222,719)	(219,619)
Fee funded programs	(40,000)	(30,720)	(47,620)
Subtotal, Transportation Threat Assessment and Credentialing (net)	116,018	191,999	171,999

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Transportation security support:			
Headquarters administration	234,870	248,929	248,929
Information technology	472,799	501,110	498,310
Human capital services	218,105	226,338	226,338
Intelligence	21,961	28,203	28,203
Subtotal, Transportation security support	947,735	1,004,580	1,001,780
Federal Air Marshals:			
Management and administration	725,081	762,569	762,569
Travel and training	94,400	97,542	97,542
Subtotal, Federal Air Marshals	819,481	860,111	860,111
Total, Transportation Security Administration (gross) (including transfers)	7,977,358	7,776,676	7,656,066
Offsetting fee collections	(-2,320,000)	(-2,100,000)	(-2,100,000)
Aviation security capital fund	(250,000)	(250,000)	(250,000)
Fee accounts	(40,000)	(30,720)	(47,620)
Total, Transportation Security Administration (net)	5,367,358	5,395,956	5,258,446
Appropriations	(4,367,358)	(5,395,956)	(5,258,446)
Emergency appropriations	(1,000,000)	---	---
Coast Guard			
Operating expenses:			
Military pay and allowances	3,061,663	3,244,861	3,254,512
Civilian pay and benefits	645,350	699,594	699,794
Training and recruiting	195,919	205,970	206,178
Operating funds and unit level maintenance	1,177,406	1,149,513	1,152,950
Centrally managed accounts	262,294	353,071	334,275
Intermediate and depot level maintenance	823,793	903,179	916,179
Supplemental appropriations (P.L. 111-32)	10,000	---	---
Port and vessel security	23,500	---	---
Aviation mission hour gap	5,000	---	---
Defense function	(340,000)	(340,000)	(340,000)
Overseas contingency operations (defense function)	---	---	241,503
Supplemental appropriations (P.L. 111-32)	129,503	---	---
Overseas contingency operations (by transfer)	---	(241,503)	---
Subtotal, Operating expenses	6,334,428	6,797,691	6,805,391
Appropriations	(5,854,925)	(6,216,188)	(5,982,385)
Overseas contingency operations	(139,503)	---	(241,503)
Contingent emergency (by transfer)	---	(241,503)	---
Defense function	(340,000)	(340,000)	(581,503)
Environmental compliance and restoration	13,000	13,198	13,198
Reserve training	130,501	133,632	133,632
Acquisition, construction, and improvements:			
Vessels:			
Response boat medium	108,000	103,000	121,000
Inland river tender recapitalization	5,000	---	---
Subtotal, Vessels	113,000	103,000	121,000
Other equipment:			
Automatic identification system	8,600	---	---
Defense messaging system (DMS)	4,074	---	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
National distress and response system modernization (Rescue 21)	73,000	117,000	117,000
High frequency recapitalization	2,500	2,500	2,500
Interagency operations centers (Command 21)	1,000	---	10,000
Subtotal, Other equipment	89,174	119,500	129,500
Personnel and related support:			
Core acquisition costs	500	500	500
Direct personnel cost	92,330	99,500	104,700
Subtotal, Personnel and related support	92,830	100,000	105,200
Integrated deepwater systems:			
Aircraft:			
Unmanned aircraft systems	3,000	---	---
Maritime Patrol Aircraft	86,600	175,000	138,500
HH-60 conversions	52,700	45,900	45,900
HC-130H conversions	24,500	45,300	45,300
HH-65 conversion project	64,500	38,000	38,000
C-130J fleet introduction	13,250	1,300	1,300
Subtotal, Aircraft	244,550	305,500	269,000
Surface ships:			
National Security Cutter	353,700	281,480	389,480
Offshore Patrol Cutter	3,003	9,800	9,800
Fast Response Cutter	115,300	243,000	243,000
IDS small boats	2,400	3,000	3,000
Patrol Boat sustainment	30,800	23,000	23,000
Medium endurance cutter sustainment	35,500	31,100	31,100
Polar icebreaker sustainment	30,300	---	27,300
High endurance cutter sustainment	---	---	4,000
Subtotal, Surface ships	571,003	591,380	730,680
Technology obsolescense prevention	1,500	1,900	1,900
C4ISR	88,100	35,000	35,000
Logistics	37,700	37,700	37,700
Systems engineering integration	33,141	35,000	35,000
Government program management	58,000	45,000	45,000
Subtotal, Integrated deepwater systems	1,033,994	1,051,480	1,154,280
Shore facilities and aids to navigation	68,000	10,000	27,100
Emergency appropriations (P. L. 111-5)	98,000	---	---
Subtotal	166,000	10,000	27,100
Coast Guard/DHS headquarters	97,578	---	---
Subtotal, Acquisition, construction, and improvements	1,592,576	1,383,980	1,537,080
Appropriations	(1,494,576)	(1,383,980)	(1,537,080)
Emergency appropriations	(98,000)	---	---
Alteration of bridges	16,000	---	4,000
Emergency appropriations (P. L. 111-5)	142,000	---	---
Subtotal	158,000	---	4,000
Research, development, test, and evaluation	18,000	19,745	24,745

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Health care fund contribution (permanent indefinite discretionary)	257,305	261,000	261,000
Subtotal, Coast Guard discretionary	8,503,810	8,367,743	8,779,046
Retired pay (mandatory)	1,236,745	1,361,245	1,361,245
Total, Coast Guard (including transfers)	9,740,555	9,970,491	10,140,291
Appropriations	(9,361,052)	(9,728,988)	(9,898,788)
Emergency appropriations	(240,000)	---	---
Overseas contingency operations	(139,503)	---	(241,503)
Contingent emergency (by transfer)	---	(241,503)	---
United States Secret Service			
Salaries and expenses:			
Protection:			
Protection of persons and facilities	705,918	759,561	755,521
Protective intelligence activities	59,761	67,824	67,824
National special security event funds	1,000	1,000	1,000
Presidential candidate nominee protection	41,082	---	---
White House mail screening	33,701	25,315	22,415
Subtotal, Protection	841,462	853,700	846,760
Investigations:			
Domestic field operations	241,772	260,892	260,892
International field office administration, operations and training	30,000	30,705	30,705
Electronic crimes special agent program and electronic crimes task forces	51,836	56,541	56,541
Support for missing and exploited children	8,366	8,366	8,366
Subtotal, Investigations	331,974	356,504	356,504
Administration:			
Headquarters, management and administration	182,104	221,045	221,045
Training:			
Rowley training center	53,189	54,360	54,360
Emergency appropriations (P. L. 111-8)	100,000	---	---
Subtotal, Salaries and expenses	1,508,729	1,485,609	1,478,669
Appropriations	(1,408,729)	(1,485,609)	(1,478,669)
Emergency appropriations	(100,000)	---	---
Acquisition, construction, improvements, and related expenses (Rowley)	4,225	3,975	3,975
Total, United States Secret Service	1,512,954	1,489,584	1,482,644
Appropriations	(1,412,954)	(1,489,584)	(1,482,644)
Emergency appropriations	(100,000)	---	---
Total, title II, Security, Enforcement, and Investigations (including transfers)	32,248,818	32,363,455	32,444,887
Appropriations	(29,951,315)	(32,121,952)	(32,203,384)
Emergency appropriations	(2,158,000)	---	---
Overseas contingency operations	(139,503)	---	(241,503)
Contingent emergency (by transfer)	---	(241,503)	---
(Fee Accounts)	(1,787,420)	(1,764,800)	(1,781,700)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
TITLE III - PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY			
National Protection and Programs Directorate			
Management and administration:			
Administrative activities	41,850	34,682	34,682
Risk management and analysis	9,500	9,895	9,895
Total, Management and administration	51,350	44,577	44,577
Infrastructure Protection and Information Security:			
Infrastructure protection:			
Identification and analysis	80,603	86,610	90,610
Coordination and information sharing	62,367	50,582	59,582
Mitigation programs	170,830	196,111	197,111
Subtotal, Infrastructure protection	313,800	333,303	347,303
National Cyber Security Division:			
US Computer Emergency Response Team (US-CERT)	254,924	333,629	323,629
Strategic initiatives	49,138	57,679	64,179
Outreach and programs	9,438	9,346	9,346
Subtotal, National Cyber Security Division	313,500	400,654	397,154
Office of Emergency Communications	38,300	44,060	45,060
National Security/Emergency Preparedness Telecommunications:			
Priority telecommunications services	58,740	56,773	56,773
Next generation networks	50,250	50,250	25,000
Programs to study and enhance telecommunications	15,100	19,274	16,774
Critical infrastructure protection programs	11,260	13,852	11,352
National command and coordination capability	5,963	---	---
Subtotal, National Security/Emergency Preparedness Telecommunications	141,313	140,149	109,899
Subtotal, Infrastructure Protection and Information Security	806,913	918,166	899,416
Federal Protective Service:			
Basic security	---	213,673	213,673
Building-specific security	---	426,327	426,327
Reimbursable Security Fees (contract guard services)	---	475,000	475,000
Subtotal, Federal Protective Service	---	1,115,000	1,115,000
Offsetting collections	---	-1,115,000	-1,115,000
U.S. Visitor and Immigrant Status Indicator Technology	300,000	356,194	373,762
Total, National Protection and Programs Directorate	1,158,263	1,318,937	1,317,755
Appropriations	(1,158,263)	(2,433,937)	(2,432,755)
Offsetting collections	---	(-1,115,000)	(-1,115,000)
Office of Health Affairs			
BioWatch	111,606	94,513	89,513
National biosurveillence integration system	8,000	8,000	13,000
Rapidly deployable chemical detection system	2,600	2,600	2,600
Planning and coordination	5,775	2,476	3,726

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Salaries and expenses	29,210	30,411	30,411
Total, Office of Health Affairs	157,191	138,000	139,250
Federal Emergency Management Agency			
Management and administration:			
Operating activities	798,595	817,205	758,155
(Defense function)	(94,059)	(107,481)	(93,881)
Urban search and rescue response system	32,500	28,000	32,500
Office of National Capital Region Coordination	6,342	6,995	6,995
Transfer from Disaster relief	(105,600)	(50,000)	(105,600)
Subtotal, Management and administration (including transfers)	943,037	902,200	903,250
Appropriations	(837,437)	(852,200)	(797,650)
(Non-defense appropriations)	(743,378)	(744,719)	(703,769)
(Defense appropriations)	(94,059)	(107,481)	(93,881)
by transfer	(105,600)	(50,000)	(105,600)
State and local programs:			
State Homeland Security Grant Program	890,000	890,000	890,000
Operation Stonegarden	60,000	60,000	60,000
Emergency appropriations (P. L. 111-32)	30,000	---	---
Subtotal, State Homeland Security Grant Program	980,000	950,000	950,000
Urban area security initiative	837,500	887,000	887,000
Regional catastrophic preparedness grants	35,000	35,000	35,000
Metropolitan Medical Response System	41,000	40,000	41,000
Citizen Corps program	15,000	15,000	13,000
Public transportation security assistance and railroad security assistance	400,000	250,000	300,000
Emergency appropriations (P. L. 111-5)	150,000	---	---
Subtotal	550,000	250,000	300,000
Port security grants	400,000	250,000	300,000
Emergency appropriations (P. L. 111-5)	150,000	---	---
Subtotal	550,000	250,000	300,000
Over-the-road bus security assistance	12,000	---	12,000
Trucking industry security grants	8,000	---	---
Buffer Zone Protection Program grants	50,000	50,000	50,000
Drivers license security grants	---	50,000	50,000
Commercial equipment direct assistance program	8,000	---	---
Interoperable emergency communications grant program	50,000	50,000	50,000
Emergency Operations Centers	35,000	---	60,000
Firefighter assistance grants:			
Fire grants	---	170,000	---
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants	---	420,000	---
Subtotal, Firefighter assistance grants	---	590,000	---
Emergency management performance grants	---	315,000	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
National Programs:			
National Domestic Preparedness Consortium	102,000	51,500	102,000
Center for Domestic Preparedness	57,000	62,500	62,500
Noble Training Center	5,500	---	---
Subtotal, NDPC	164,500	114,000	164,500
Counterterrorism and Cyber Crime Center	1,700	---	1,700
National exercise program	40,000	42,000	40,000
Technical assistance	11,000	13,000	13,000
Continuing training grants	31,000	23,000	29,000
Evaluations and assessments	16,000	18,000	16,000
Rural Domestic Preparedness Consortium	---	---	3,000
Subtotal, National Programs	264,200	210,000	267,200
Management and administration	---	175,000	---
Subtotal, State and Local Programs	3,435,700	3,867,000	3,015,200
Appropriations	(3,105,700)	(3,867,000)	(3,015,200)
Emergency appropriations	(330,000)	---	---
Firefighter assistance grants:			
Fire grants	565,000	---	390,000
Fire station construction			
Emergency appropriations (P. L. 111-5)	210,000	---	---
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants	210,000	---	420,000
Subtotal, Firefighter assistance grants	985,000	---	810,000
Appropriations	(775,000)	---	(810,000)
Emergency appropriations	(210,000)	---	---
Emergency management performance grants	315,000	---	340,000
Subtotal, Grants and training	4,735,700	3,867,000	4,165,200
Appropriations	(4,195,700)	(3,867,000)	(4,165,200)
Emergency appropriations	(540,000)	---	---
Radiological Emergency Preparedness Program	-505	-265	-265
United States Fire Administration	44,979	45,588	45,588
Disaster relief	1,400,000	2,000,000	1,600,000
(transfer to Management and Administration)	(-105,600)	(-50,000)	(-105,600)
(transfer to Inspector General)	(-16,000)	---	(-16,000)
Subtotal, Disaster Relief	1,278,400	1,950,000	1,478,400
Disaster assistance direct loan program account:			
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)
Direct loan subsidy	295	295	295
Flood map modernization fund	220,000	220,000	220,000
National flood insurance fund:			
Salaries and expenses	49,418	52,149	38,680
Flood plain management and mitigation	107,181	107,320	107,320
Offsetting fee collections	-156,599	-159,469	-146,000
National predisaster mitigation fund	90,000	150,000	100,000

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Emergency food and shelter	200,000	100,000	200,000
Emergency appropriations (P. L. 111-5)	100,000	---	---
Subtotal, Emergency food and shelter	300,000	100,000	200,000
Cerro Grande Fire Payments (rescission)	-9,000	---	---
Total, Federal Emergency Management Agency (including transfers)	7,602,906	7,234,818	7,112,468
Appropriations	(6,987,906)	(7,234,818)	(7,128,468)
Emergency appropriations	(640,000)	---	---
Rescissions	(-9,000)	---	---
by transfer	(105,600)	(50,000)	(105,600)
transfer out	(-121,600)	(-50,000)	(-121,600)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)
Total, title III, Protection, Preparedness, Response and Recovery Directorate	8,918,360	8,691,755	8,569,473
Appropriations	(8,303,360)	(8,691,755)	(8,585,473)
Emergency appropriations	(640,000)	---	---
Rescissions	(-9,000)	---	---
By transfer	(105,600)	(50,000)	(105,600)
Transfer out	(-121,600)	(-50,000)	(-121,600)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES			
United States Citizenship and Immigration Services			
Appropriations:			
Basic pilot/E-Verify program	100,000	112,000	137,000
Benefit parole programs	540	---	---
Immigration integration programs	1,200	10,000	11,000
REAL ID Act implementation	---	25,000	10,000
Asylum and refugee services	---	201,000	50,000
Military naturalization services	---	5,000	5,000
Data center consolidation	---	11,000	11,000
Subtotal	101,740	364,000	224,000
Adjudication services (fee account):			
Pay and benefits	(780,076)	---	---
District operations	(535,156)	(1,132,317)	(1,132,317)
Service center operations	(345,890)	(549,623)	(549,623)
Asylum, refugee and international operations	(92,602)	---	---
International operations	---	(64,587)	(64,587)
Records operations	(85,946)	(107,113)	(107,113)
Business transformation	(139,000)	(173,264)	(173,264)
Digitization program (display only, nonadd)	(28,000)	(29,000)	(29,000)
Subtotal, Adjudication services	(1,978,670)	(2,026,904)	(2,026,904)
Information and customer services (fee account):			
Pay and benefits	(92,587)	---	---
Information and customer service	---	(89,050)	(89,050)
National Customer Service Centers	(53,747)	---	---
Information services	(21,465)	---	---
Subtotal, Information and customer services	(167,799)	(89,050)	(89,050)

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Administration (fee account):			
Administration	---	(365,932)	(365,932)
Pay and benefits	(88,746)	---	---
Operating expenses	(285,153)	---	---
Subtotal, Administration	(373,899)	(365,932)	(365,932)
Systematic Alien Verification for Entitlements (SAVE) (fee accounts)	(18,818)	(21,346)	(21,346)
Total, United States Citizenship and Immigration Services	(2,640,926)	(2,867,232)	(2,727,232)
Appropriations	(101,740)	(364,000)	(224,000)
Total Fees	(2,539,186)	(2,503,232)	(2,503,232)
(Immigration Examination Fees)	(2,495,186)	(2,451,884)	(2,451,884)
(Fraud prevention and detection fees)	(31,000)	(38,348)	(38,348)
(H1B Non-Immigrant Petitioner fees)	(13,000)	(13,000)	(13,000)
Federal Law Enforcement Training Center			
Salaries and expenses:			
Law enforcement training	245,240	244,047	238,047
Accreditation	1,290	1,309	1,309
Subtotal, Salaries and expenses	246,530	245,356	239,356
Acquisitions, construction, improvements, and related expenses:			
Direct appropriation	86,456	43,456	43,456
Total, Federal Law Enforcement Training Center	332,986	288,812	282,812
Science and Technology			
Management and administration	132,100	142,200	143,200
Research, development, acquisition, and operations:			
Border and maritime security	33,050	40,181	44,181
Chemical and biological	200,408	206,800	206,800
Command, control, and interoperability	74,890	80,264	81,764
Explosives	96,149	120,809	120,809
Human factors	12,460	15,087	16,087
Infrastructure and geophysical	75,816	44,742	74,958
Innovation	33,000	44,000	44,000
Laboratory facilities	161,940	154,500	150,188
Test and evaluations/standards	28,674	28,674	29,000
Transition	28,830	45,134	46,134
University programs	50,270	46,000	49,350
Homeland Security Institute	5,000	---	---
Subtotal, Research, development, acquisition, and operations	800,487	826,191	863,271
Total, Science and Technology	932,587	968,391	1,006,471

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Domestic Nuclear Detection Office			
Management and administration	37,500	39,599	38,500
Research, development, and operations:			
Systems engineering and architecture	25,147	25,448	25,448
Systems development	108,100	100,000	100,000
Transformational research and development	103,300	110,537	108,537
Assessments	32,000	32,416	32,416
Operations support	37,753	38,436	38,436
National Technical Nuclear Forensics Center	16,900	19,700	19,700
Research, development, and operations	323,200	326,537	324,537
Systems acquisition:			
RPM/ASP program	120,491	---	---
Securing the Cities	20,000	---	20,000
HPRDS program	13,000	---	---
Subtotal, Systems acquisition	153,491	---	20,000
Total, Domestic Nuclear Detection Office	514,191	366,136	383,037
Total, title IV, Research and Development, Training, and Services	1,881,504	1,987,339	1,896,320
(Fee Accounts)	(2,539,186)	(2,503,232)	(2,503,232)
TITLE V - GENERAL PROVISIONS			
Enacted provisions:			
Sec. 547: REAL ID Grants	50,000	---	---
Sec. 547: REAL ID Information Sharing and Verification System	50,000	---	---
Sec. 549: Rescission, TSA undistributed carryover	-31,000	---	---
Sec. 550: Rescission of unobligated balances, A&O	-21,373	---	---
Sec. 551: Rescission of unobligated balances, Coast Guard AC&I	-20,000	---	---
Sec. 603(a): Rescission of emergency funding, FEMA disaster relief	-100,000	---	---
Sec. 603(b): FEMA State and local programs, emergency appropriations	100,000	---	---
Rescission of unobligated balances:			
Sec. 573: Trucking Industry Security Grants	---	---	-5,572
Sec. 574: Analysis and Operations	---	---	-2,358
Sec. 575: Infrastructure protection and information security	---	---	-8,000
Sec. 576: Science and Technology	---	---	-6,944
Sec. 577: Domestic Nuclear Detection Office	---	---	-8,000
Sec. 578: TSA research and development	---	---	-4,000
Sec. 579: Coast Guard AC&I	---	---	-800
Sec. 580: Counterterrorism Fund	---	---	-5,600
Total, title V, General Provisions	27,627	---	-41,274
Appropriations	(100,000)	---	---
Emergency appropriations	(100,000)	---	---
Rescissions	(-72,373)	---	(-41,274)
Rescission of emergency appropriations	(-100,000)	---	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference
Grand total	44,367,748	44,190,938	44,137,241
Mandatory	(1,236,745)	(1,361,245)	(1,361,245)
General purpose discretionary	(43,131,003)	(42,829,693)	(42,775,996)
Appropriations	(40,069,873)	(42,829,693)	(42,575,767)
Emergency appropriations	(3,103,000)	---	---
Overseas contingency operations	(139,503)	---	(241,503)
Rescissions	(-81,373)	---	(-41,274)
Rescission of emergency appropriations	(-100,000)	---	---
Fee funded programs	(4,326,606)	(4,268,032)	(4,284,932)
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)
(Transfer out)	(-121,600)	(-50,000)	(-121,600)
(By transfer - contingent emergency)	---	(241,503)	---
(By transfer)	(121,600)	(50,000)	(121,600)

DAVID R. OBEY,
DAVID E. PRICE,
JOSÉ E. SERRANO,
CIRO D. RODRIGUEZ,
C. A. DUTCH RUPPERSBERGER,
ALAN B. MOLLOHAN,
NITA M. LOWEY,
LUCILLE ROYBAL-ALLARD,
SAM FARR,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY (with a reservation on the EB–5 agreement),
BARBARA A. MIKULSKI,
PATTY MURRAY,
MARY L. LANDRIEU,
FRANK R. LAUTENBERG,
JON TESTER,
ARLEN SPECTER,
GEORGE V. VOINOVICH,
THAD COCHRAN,
JUDD GREGG,
RICHARD C. SHELBY,
SAM BROWNBACK,
LISA MURKOWSKI,
Managers on the Part of the Senate.

CREDIT CARD TECHNICAL CORRECTIONS ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3606) to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3606

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 ''Credit CARD Technical Corrections Act of 2009''.

SEC. 2. TECHNICAL CORRECTION.

Section 163(a) of the Truth in Lending Act (U.S.C. 1666b(a)), as amended by section 106(b) of the Credit Card Accountability Responsibility and Disclosure Act of 2009, is amended by inserting ''a credit card account under'' after ''payment on''.

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

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume. We made an error, Congress did, when we passed the credit card bill, not in passing the bill. The only error we made there was we didn't make it go into effect immediately because the abusive behavior by the credit card companies has been even worse than some people have feared, and I hope we will soon be trying to move up that effective date. But there was a drafting error in which the restrictions applied not just to credit cards if you read the bill literally, as you have to, with the bill, but all open-end credit agreements. Credit unions in America, which have not been any part of a pattern of abuse of credit cards, were inadvertently swept into this.

The gentleman from Vermont (Mr. WELCH) and the gentleman from Missouri (Mr. SKELTON) called this to the attention of the committee, as did the National Credit Union Administration and the Credit Union National Association; the latter, of course, being the private association of credit unions, the former being the administrative agency. They asked us to fix it. They were quite correct.

Credit unions are a very important part of the structure of this country and it serves our consumers. And so this bill would correct that error and allow the credit unions to continue to perform their function.

I reserve the balance of my time.

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

I rise today in support of H.R. 3606, the Credit CARD Technical Corrections Act of 2009, and appreciate my friend from Vermont (Mr. WELCH) for his leadership in bringing this important measure to the floor.

Earlier this year, Congress enacted the Credit Card Accountability, Responsibility, and Disclosure Act in order to provide consumers with more transparency regarding their credit card accounts and protect them from potential predatory practices, including unwarranted rate increases on existing balances and short-cycle billing. One important provision of this new law required that financial institutions deliver credit card statements to customers no later than 21 days before the payment due date.

Unfortunately, between the time when the House passed the CARD Act and when it was signed into law, a change was made to suggest that this new requirement should be applied to all open-ended loan accounts, including home equity lines of credit, rather than just to credit card accounts.

This is especially problematic for credit unions who offer their members monthly consolidated statements covering all loan accounts, the flexibility of determining their payment dates, and the convenience of payroll deductions. Because these services will in many cases violate the new 21-day rule, financial institutions will be forced to discontinue these important benefits to customers.

In addition, if left as-is, the resources needed to comply with these new rules will no doubt force institutions to pass on increased costs to consumers through higher loan fees and interest rates and not to mention the confusion many will face, all from a law that was intended originally for their benefit. This is clearly an unintended consequence that needs to be rectified immediately. The legislation before us right now will correct this and ensure that credit unions and community banks can continue to offer quality service to their members and customers.

As a cosponsor of this important change which will simply ensure that the 21-day requirement only applies to credit card accounts, I urge immediate passage of H.R. 3606.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 4 minutes to the gentleman from Vermont, the lead author of this bill, Mr. WELCH.

Mr. WELCH. I thank the gentleman from Massachusetts (Mr. FRANK) and my colleague. I thank the gentleman from New York (Mr. LEE) and Mr. SKELTON.

You know, Mr. Speaker, one of the things the American people have a right to expect of us in Congress is that when we pass legislation, we step back after its passage and listen to the people affected by it to see if there are some mistakes that we made that need correction, and in this case, there is a mistake. Mr. LEE just outlined what it is and the chairman did the same.

I think a number of us, including Mr. SKELTON, when we were home, heard from our credit card companies as to the over-inclusive nature of the legislation that would adversely affect the good work that they're doing. The CARD Act, as you know, had a number of very good provisions, including the 21-day notice requirement. That's intended to make sure that financial institutions give individuals enough time to pay a bill, and it established a minimum level of fairness. But for credit unions and their members, this change would actually have made things more difficult.

Credit unions use consolidated statements, so home loans, auto loans, savings accounts, checking accounts, and credit card bills are all in one package, and that's for the convenience of the consumer, not to create confusion for the consumer. This is the model, in fact, of how the system should work. It's straightforward and transparent.

The 21-day notice requirement would have had an unintended impact of requiring credit unions to split up those consolidated statements and transform transparency into confusion. This wouldn't help consumers and, obviously, wouldn't add to transparency. So the bill that has the support of Mr. SKELTON and Mr. LEE and myself would clarify the intention of the CARD Act and allow credit unions to continue the very commonsense and, I think, consumer-friendly approach of sending their customers a single statement every month.

Mr. LEE of New York. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I would ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and submit extraneous material both on this bill, H.R. 3606, and the preceding bill, H.R. 1327.

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

There was no objection.

Mr. FRANK of Massachusetts. Finally, Mr. Speaker, this has been well-covered by the two Members, the gentleman from Vermont (Mr. WELCH) and the gentleman from New York (Mr. LEE), who have been major movers in it. I would just ask, although we have general leave, I would note that I am inserting in the RECORD a letter from the National Credit Union Administration, a letter from the Credit Union National Association, both asking for this, and then two documents which I hope will give people some sense of how this institution works at its best.

CREDIT UNION NATIONAL ASSOCIATION,
Washington, DC, October 7, 2009.

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

Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the Credit Union National Association (CUNA), I am writing regarding a specific issue that credit unions are experiencing with respect to the recently-enacted Credit Card Accountability, Responsibility and Disclosure (CARD) Act. CUNA is the nation's largest credit union advocacy organization, representing approximately 90% of America's 8,000 state and federal credit unions and their 92 million members.

Credit unions are currently reeling from an unintended consequence of the CARD Act. Section 106 of the CARD Act prohibits creditors from treating payments as being late unless the creditor adopts reasonable procedures to ensure that periodic statements are mailed or delivered to the consumer no later than 21 days before the payment due date. We believe this provision was intended to cover only credit card accounts; however, the provision, as enacted, applies to all open-end loans, including general lines of credit, lines of credit associated with share draft and checking accounts, signature loans, and home equity lines of credit (HELOCs) as well as multi-featured, open-end lending programs.

CONSOLIDATED BILLING MAY CEASE, INCREASING COSTS FOR CREDIT UNIONS MEMBERS

Most credit unions provide monthly consolidated membership statements that combine information on a member's savings, checking, and loan accounts, other than for credit cards. Since these statements may include a number of open-end credit plans with different due dates, changing these due dates to comply with the 21-day requirement may lead credit unions to discontinue the use of consolidated statements or send statements for each loan in addition to the consolidated one.

The alternative is to send separate statements for each loan. This will greatly increase both processing and mailing costs (in addition to the environmental impact), which credit unions have estimated will be $1–$2.25 per month per loan. Notwithstanding the additional costs, we are also very concerned that some credit unions currently do not have the capacity to print and mail these increased number of statements in order to meet the rule's timing requirements. Not only will credit unions need to pass on these costs to their members in the form of higher loan rates, lower deposit rates, or higher fees elsewhere, but credit union members will be very confused and concerned when they receive multiple statements from their credit union, depending on how many loans they have outstanding. Credit union relationships with their members will suffer, all in an effort to comply with an unintended application of a law that is intended to benefit consumers.

CREDIT UNION MEMBERS MAY NO LONGER BE ABLE TO CHOOSE THEIR PAYMENT DATE

For certain loans, particularly vehicle loans, credit union members are often permitted to choose the due date to best suit their financial needs; for example, members may choose due dates that coincide with pay days or to avoid other payment due dates. This practice will have to be discontinued if the member-chosen date no longer complies with the new 21-day requirement. Changing the express choice by members would not be consumer-friendly, and members will not understand that a Federal law requires this action.

Additionally, many credit unions provide their members with the convenience of automated payments, in which payments are automatically withdrawn from the credit union account on a certain date. Again, this may often be chosen by the member, who may choose a date that is related to when he or she receives a paycheck. This may now need to be changed based on the new 21-day requirement, imposing hardship and inconvenience if the new date no longer coincides with the receipt of a paycheck.

BI-WEEKLY PAYMENTS ARE NO LONGER PERMITTED

Many loans are structured so that payments are made bi-weekly, which serve to minimize the amount of interest that is charged, as compared to loans in which payments are made monthly. These loans are often repaid through payroll deduction. If bi-weekly programs are no longer permitted under the new 21-day requirement, the result will be that these members will pay additional interest and may no longer have the benefit and convenience of payroll deduction.

HELOC TERMS AND CONDITIONS MUST BE CHANGED

The 21-day requirement will also apply to HELOCs, the terms of which cannot be easily changed. Regulation Z lists exceptions for changing terms of HELOCs and although the Regulation Z commentary permits changing the due date, we note that the due date is often a contractual term, which adds to the difficulty of complying with these new requirements.

A TECHNICAL CORRECTION IS NECESSARY AND APPROPRIATE

To address these concerns, Representative Peter Welch (D–VT) has introduced legislation, H.R. 3606, the CARD Act Technical Corrections Act. This legislation very simply inserts the words, ''a credit card account under'' to Section 106 of the CARD Act. These words were included in the House-passed version of the CARD Act, and we believe the effect of their omission in the enacted version of the legislation was unintended. We hope the Committee will agree that a technical correction is appropriate and will support passage of technical corrections legislation as quickly as possibly.

On behalf of America's credit unions, thank you very much for your consideration.

Sincerely,

DANIEL A. MICA,
President & CEO.

NATIONAL CREDIT UNION ADMINISTRATION,
Alexandria, VA, September 22, 2009.

Hon. BARNEY FRANK,
Chairman, House Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: I appreciate the opportunity to offer comments to you and your staff regarding credit union industry concerns about the Credit Card Accountability Responsibility and Disclosure Act of 2009 (Credit CARD Act). More specifically, industry leaders tell me that the 21-day statement requirement (12 CFR 226.5(b)(2)(ii)) has resulted in unintended consequences and is proving burdensome for credit unions, and their service providers, regarding non-credit card open-end lending.

Historically, credit unions have worked closely with individual members to create loan repayment plans that are most beneficial to that member. For example, a member could elect to establish multiple payments within a month instead of one monthly payment. Generally, members use this type of payment arrangement to match their payroll distribution and to reduce their overall loan interest costs. I am advised that such arrangements will be difficult to continue given the 21-day statement requirement.

These leaders have also brought to my attention the increasing costs associated with modifying their processing systems to reach compliance with the Credit CARD Act and the Federal Reserve's interim final rule implementing the Credit CARD Act requirements. These additional costs will most likely be borne by the credit union members, a difficult burden which seems to conflict with the intent of the statute.

''Member choice'' payment dates provide members with maximum flexibility in managing their finances. It is my hope that this option will continue unhindered. I am available for discussions with you and your staff to ensure that member service is not adversely impacted by unintended consequences of the Credit CARD Act. I also look forward to discussions on how member protections can be enhanced without imposing unnecessary costs and burden to credit unions or their members.

Thank you for any consideration you can give to this important credit union issue.

Sincerely,

DEBORAH MATZ,
Chairman.

□ 1600

On August 27, the Missouri Credit Union Association wrote to our colleague from Missouri (Mr. SKELTON) to urge him to act on this.

Today, about a month and a half later, I have the privilege of introducing into the RECORD the remarks from Mr. SKELTON in favor of this bill. Mr. SKELTON had to go off to a previous engagement.

So we have the Missouri Credit Union Association. And, Mr. Speaker, I know that is an organization that you work with as well. On August 27, they brought a problem to the attention to their Member of Congress, and a month and a half later he has the ability to talk about how we are resolving it. It also was, I think, a similar process with the gentleman from New York and the gentleman from Vermont.

So this is an example of how, in a bipartisan way, when we hear from responsible people in the community

about things that need to be done that could be done quickly, we could do them.

Mr. SKELTON. Mr. Speaker, during the August District Work Period, I traveled extensively throughout Missouri's Fourth Congressional district, meeting with residents who were eager to share their views on a variety of Federal matters. In separate visits with Missouri credit union officials and small town Missouri bankers, the state of the economy and Congress' efforts to make financial services more responsive to every day citizens were top priorities for discussion.

Earlier this year, Congress passed and the President signed into law the Credit Card Accountability, Responsibility, and Disclosure Act, bipartisan legislation to make credit card agreements more customer friendly. I supported this measure and am pleased it has become the law of the land.

But, when I met with credit union officials in August, they brought to my attention a technical error in the law that is making it difficult for them to provide lines of credit to some of their members.

When I returned to Washington in September, I immediately brought the credit unions' concerns to the attention of Financial Services Committee Chairman BARNEY FRANK. And, at the same time, my colleague from Vermont, Congressman PETER WELCH, drafted responsible legislation—which we are considering here in the House today—to correct this technical error so that credit unions can continue offering open-end credit plans that are popular with many of their members.

Chairman FRANK, Mr. WELCH, and their staffs have worked diligently to fix this problem for America's credit unions. I am pleased that they have moved this bill so quickly through the legislative process. I urge my colleagues to support Mr. WELCH's legislation and hope the other body will act to pass it soon.

MISSOURI CREDIT UNION ASSOCIATION,
St. Louis, MO, August 27, 2009.

Hon. IKE SKELTON,
Rayburn Building,
Washington, DC.

DEAR REPRESENTATIVE SKELTON: Thank you for taking time out of your busy schedule to meet with Missouri credit unions this month in the district. As discussed, Missouri credit unions are extremely concerned about unintended consequences created by the Credit Card Accountability, Responsibility and Disclosure (CARD) Act of 2009, and the serious implications for consumers in our state. We are asking for your help and support in a legislative solution.

Credit unions did not participate in the consumer abuses regarding credit cards that prompted passage of the CARD Act of 2009, and do not have an issue with complying with the provisions of the CARD Act that relate specifically to credit card accounts.

However, sections of the Act applying to open-end credit plans do affect credit unions and will disadvantage credit union members. Credit unions, working with their members, often set up open-end credit plans because of the flexibility it provides to members in managing their credit and adding future loans.

It is common for members who live paycheck to paycheck, or have trouble managing their money, to request a payment plan that has funds deducted from their checking account or payroll direct deposit that is credited to their loan. They may choose to have funds credited weekly, every two weeks, or twice a month. The CARD Act requirement that the account holder receive a 21-day notice prior to payment due dates (§106(b)) becomes problematic for the credit union when the member has requested anything other than monthly payments.

When payment schedules occur more than monthly, we are not finding a reasonable solution that meets the 21-day notice requirement of the law. Credit unions report to our association that there are significant issues with data processors in complying with the new law. One of Missouri's smaller credit unions with $19 million in assets has approximately 1,800 open-end loans that are not credit card accounts. Making the necessary changes to comply with the Act will mean additional ongoing expense. There would be additional costs for multiple mailings including postage and staff time. If the credit union incurs additional costs to comply with the CARD Act, those increases will be passed on to our member consumers. We are also concerned that it will cause our members considerable confusion if they begin to receive multiple notices every month. Many credit unions will be impacted to the extent that they will have to offer only closed-end loans, which eliminates the convenience and flexibility that members need and prefer.

If credit unions adjust all open-end credit plans to only allow one payment per month, we have taken options away from consumers that help them better manage their money. We believe that the intent of the CARD Act is to protect consumers and avoid confusing disclosures and abusive practices relative to credit card open-end programs. We do not believe that the intent was to disadvantage members and increase their costs to access open-end programs.

Section 106(b) is the only place in the Act where the wording ''open end credit'' is used to broadly apply beyond credit card programs. During our meeting, we provided you with suggested language that would correct this inconsistency. It is provided below. The words in italics are currently in the bill. The bold wording in brackets is the suggested replacement.

SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

(a) In General.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

(o) Due Dates for Credit Card Accounts—

(1) In general.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month.

(2) Weekend or holiday due dates.—If the payment due date for a credit card account under an open end consumer credit plan is a day on which the creditor does not receive or accept payments by mail (including weekends and holidays), the creditor may not treat a payment received on the next business day as late for any purpose.

(b) Length of Billing Period.—

(1) In general.—Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended to read as follows:

SEC. 163. TIMING OF PAYMENTS.

(a) Time to Make Payments.—A creditor may not treat *a payment on an open end consumer credit plan* [replace italicized wording with: ''payment on a credit card account under an open-end consumer credit plan''] as late for any purpose, unless the creditor has adopted reasonable procedures designed to ensure that each periodic statement including the information required by section 127(b) is mailed or delivered to the consumer not later than 21 days before the payment due date.

(b) Grace Period.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.

(2) Effective date.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as amended by this subsection, shall become effective 90 days after the date of enactment of this Act.

The 21-day notice period became law on August 20. On behalf of Missouri's 148 credit unions and their 1.3 million members, we are asking for your help in supporting a legislative solution. If we can assist with additional information on this issue, please contact me. Other contacts at the Missouri Credit Union Association regarding this issue are Peggy Nalls or Amy McLard.

Sincerely,

ROSHARA J. HOLUB,
President/CEO.

Mr. Frank of Massachusetts. With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3606.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 today.

Accordingly (at 4 o'clock and 1 minute p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. DAHLKEMPER) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3689, by the yeas and nays;

H.R. 3476, by the yeas and nays;

H. Res. 659, by the yeas and nays.

Votes on H. Res. 768 and H.R. 1327 will be taken later in the week.

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

EXTENDING AUTHORITY TO BUILD VIETNAM VETERANS MEMORIAL VISITOR CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3689, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3689.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 772]

YEAS—390

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Abercrombie
Austria
Barrett (SC)
Bean
Blunt
Bonner
Brown-Waite, Ginny
Camp
Capuano
Carney
Clarke
Conyers
Costello
Cuellar
Davis (AL)
Diaz-Balart, L.
Engel
Granger
Griffith
Harman
Hoekstra
Maloney
Matheson
Miller (FL)
Moran (KS)
Neal (MA)
Platts
Pomeroy
Putnam
Radanovich
Rogers (MI)
Rohrabacher
Roskam
Rush
Sánchez, Linda T.
Sanchez, Loretta
Shimkus
Sires
Taylor
Thornberry
Wamp
Wexler

□ 1855

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REAUTHORIZING DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3476, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 3476.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 1, not voting 47, as follows:

[Roll No. 773]

YEAS—384

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo

Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—47

Abercrombie
Austria
Barrett (SC)
Bean
Becerra
Blunt
Bonner
Brown-Waite, Ginny
Butterfield
Camp
Capuano
Carney
Conyers
Costello
Cuellar
Davis (AL)
Diaz-Balart, L.
Engel
Gingrey (GA)
Granger
Griffith
Grijalva
Harman
Hoekstra
Mack
Maloney
Miller (FL)
Moran (KS)
Neal (MA)
Olson
Platts
Pomeroy
Putnam
Radanovich
Rohrabacher
Roskam
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schrader
Shimkus
Sires
Taylor
Thornberry
Wamp
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1903

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING KAPPA ALPHA PSI FRATERNITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 659, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 659, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 40, as follows:

[Roll No. 774]

YEAS—392

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
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
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—40

Abercrombie
Austria
Barrett (SC)
Bean
Blunt
Bonner
Brown-Waite, Ginny
Camp
Capuano
Carney
Costello
Cuellar
Davis (AL)
Diaz-Balart, L.
Engel
Granger
Green, Gene
Griffith
Harman
Hoekstra
Maloney
Miller (FL)
Moran (KS)
Neal (MA)
Platts
Pomeroy
Putnam
Radanovich
Rohrabacher
Roskam
Rush
Sánchez, Linda T.
Sanchez, Loretta
Shimkus
Sires
Taylor
Thornberry
Velázquez
Wamp
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

GIRL SCOUTS USA CENTENNIAL COMMEMORATIVE COIN ACT

Mr. FOSTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 621) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 621

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 ''Girl Scouts USA Centennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress find as follows:

(1) The Girl Scouts of the United States of America is the world's preeminent organization dedicated solely to girls where they build character and skills for success in the real world.

(2) In 1911, Juliette Gordon Low met Sir Robert Baden-Powell, a war hero and the founder of the Boy Scouts.

(3) With Baden-Powell's help and encouragement, Juliette Gordon Low made plans to start a similar association for American girls.

(4) On March 12, 1912, Juliette Gordon Low organized the first 2 Girl Scout Troops in Savannah, Georgia consisting of 18 members.

(5) Low devoted the next 15 years of her life to building the organization, which would become the largest voluntary association for women and girls in the United States.

(6) Low drafted the Girl Scout laws, supervised the writing of the first handbook in 1913, and provided most of the financial support for the organization during its early years.

(7) The Girl Scouts of the United States of America was chartered by the United States Congress in 1950 in title 36, United States Code.

(8) Today there are more than 3,700,000 members in 236,000 troops throughout the United States and United States territories.

(9) Through membership in the World Association of Girl Guides and Girl Scouts, Girls Scouts of the United States of America is part of a worldwide family of 10,000,000 girls and adults in 145 countries.

(10) More than 50,000,000 American women enjoyed Girl Scouting during their childhood—and that number continues to grow as Girl Scouts of the United States of America continues to inspire, challenge, and empower girls everywhere.

(11) March 12, 2012 will mark the 100th Anniversary of the Girl Scouts of the United States of America.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 350,000 $1 coins in commemoration of the centennial of the Girl Scouts of the USA, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the centennial of the Girl Scouts of the United States of America.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2013''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Girl Scouts of the United States of America and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2013.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Girl Scouts of the United States of America to be made available for Girl Scout program development and delivery.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Girl Scouts of the United States of America as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONTINUED ISSUANCE OF CERTAIN COMMEMORATIVE COINS MINTED IN 2009.—Notwithstanding sections 303 and 304 of the Presidential $1 Coin Act of 2005 (31 U.S.C. 5112 nt.), the Secretary of the Treasury may continue to issue numismatic items that contain 1-cent coins minted in 2009 after December 31, 2009, until not later than June 30, 2010.

(b) DISTRIBUTION OF SURCHARGES.—Section 7 of the Jamestown 400th Anniversary Commemorative Coin Act of 2004 (31 U.S.C. 5112 nt.) is amended—

(1) in subsection (b)(2)(B), by striking ''in equal shares'' and all that follows through the period at the end and inserting ''in the proportion specified to the following organizations for the purposes described in such subparagraph:

''(i) 2/3 to the Association for the Preservation of Virginia Antiquities.

''(ii) 1/3 to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia.''; and

(2) in subsection (c), by striking '', the Secretary of the Interior,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. FOSTER) and the gentleman from Georgia (Mr. KINGSTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, in 1912, just 18 girls from Georgia came together in what would become the first meeting of the Girl Scouts. Since then, the program has grown to 3.7 million girls to become the organization that we know today. To date, the Girl Scouts have shown 5 million girls how to lead, how to work together, and how to serve our communities.

The Girl Scouts of the United States have had such prestigious members as

the Honorable Sandra Day O'Connor, former Supreme Court Justice; Secretary of State Hillary Clinton; former Secretary of State Madeleine Albright; and former First Lady Nancy Reagan.

The Fox Valley Girl Scouts Council, which serves portions of my congressional district, has 6,000 registered members sponsored by over 1,600 adult volunteers. I appreciate the work of these Girl Scouts, who have devoted so much time and effort to community service projects in our community.

I am pleased to be a cosponsor of H.R. 621, and I thank Mr. KINGSTON for introducing it. H.R. 621 directs the Secretary of the Treasury to mint and to issue up to 350,000 one dollar coins in commemoration of the centennial of the founding of the Girl Scouts.

The Girl Scouts of the USA has helped shape millions of young girls' lives, and in turn strengthened our communities. I congratulate the Girl Scouts on their 97 years of service and look forward to the passage of this piece of legislation so that we can join with them in celebrating their centennial in 2012.

Madam Speaker, I submit the following correspondence.

OCTOBER 13, 2009.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, 2129 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 621, the ''Girl Scouts USA Centennial Commemorative Coin Act of 2009.''

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 621 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of Conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 621, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

OCTOBER 13, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 621, the ''Girl Scouts USA Centennial Commemorative Coin Act,'' which was introduced in the House and referred to the Committee on Financial Services on January 21, 2009. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 621 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Madam Speaker, I reserve the balance of my time.

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

It is a great honor to be here with Mr. FOSTER, and I want to thank Mr. BACHUS and Mr. FRANK and the members of the Financial Services Committee for their support of this commemorative coin bill.

This commemorative coin, like all commemorative coins, will pay for itself. Once it has done that, the additional money that it brings in will benefit the centennial activities of the Girl Scouts of the United States of America, as well as helping with some of the repairs of the Juliette Gordon Low birthplace, her childhood home, which is located in Savannah, Georgia.

I think I, like so many people, have great memories of Girl Scouts, even though I wasn't one. My sisters, Betty, Barbara, and Jean, were all Girl Scouts, and they all wore their Brownie uniforms and then their Girl Scout uniforms, and my mother was one of the—I want to say den mother, and, Madam Speaker, I don't know the exact title, but she was a consultant—a leader. A great Girl Scout on the front row, Ms. ILEANA ROS-LEHTINEN, has corrected me. But they had those sashes. And I was a Y-boy and we didn't get sashes.

□ 1915

We didn't get to earn merit badges. But I always thought what a great system of training people. And of course, Girl Scouts got to sell the cookies, of which I not only did not have to sell, but I got to eat. So I got two great benefits from them, and so many other people did the same.

Girl Scout cookies actually started in December 1917, and that was when the Mistletoe Troop in Muskogee, Oklahoma, started baking cookies, and they sold them in their high school that year. And then it grew in the 1920s and the 1930s, Girl Scouts followed suit all over the country and started to sell them. They sold them for 25 and 35 cents a dozen and in time had 11 varieties. And can I get a favorite? I think everybody would vote on a bipartisan basis, it is the Thin Mint.

Mr. FOSTER. Will the gentleman yield?

Mr. KINGSTON. I will be happy to yield to my friend.

Mr. FOSTER. I very much share your opinion. I have to address the Speaker. I'm sure the Speaker and everyone in this room agrees that Thin Mints are the cookie of choice.

Mr. KINGSTON. See, Madam Speaker, only the Girl Scouts could bring such bipartisan fellowship here so quickly in a bill.

Juliette Gordon Low was an amazing historical figure. She was actually nicknamed Daisy as a child. Her parents were early settlers, on the dad's side from Georgia, and her mother's family came from Chicago. She was born on Halloween in 1860 and grew up during the Civil War in the difficult Reconstruction period in the Deep South. Her father owned a big house, and she developed a fondness as a child for writing poems, sketching, painting. She acted in plays and became a sculptor and a blacksmith.

Her brother, George Arthur Gordon, described her this way: She was deeply religious, quite superstitious, and a confirmed hero worshiper. Underneath her bubbling, irrepressible gaiety, there was a deep, generous, loyal, loving, striving, brave, self-sacrificing personality. She had her full share of slings and arrows of outrageous fortune, and she not only met them, as the poet advised, by opposing, but in every crisis of her life she faced fate with a smiling defiance that was simply sublime. And that's from somebody who would know her well.

As a child, she started a group called Helping Hands to help make clothes for the poor. She grew up in Savannah but went to a boarding school in Virginia. She made her debut in Savannah and enjoyed the good life. She married a young man which her parents weren't really crazy about because of their age, but they went ahead and got married and I guess, showing her streak of independence, got married on her parents' 29th wedding anniversary date, December 21, 1886, and got married in Christ Episcopal Church, where she was also christened and later would be buried.

Juliette Gordon Low had a hearing problem, and when she was leaving the church, at her wedding, on her wedding day, rice was being thrown, and one found itself lodged in her ear. It caused a problem which caused her to lose much of her hearing, and she went through life almost deaf, which later served her, though, because, as a fundraiser, she could pretend to not understand when people said ''no'' when she was asking for money for the Girl Scouts, so she would persevere and get more money from them.

But an interesting thing happened to Juliette Gordon Low on the way to a good life. After the Spanish American War, her marriage fell apart, and when it did, she wasn't sure what her sense of direction would be and actually considered being a sculptor. But in 1911, she met Sir Robert Baden-Powell who, as we know, started the Boy Scouts in England, and he told Ms. Low about a sister organization that his own biological sister had started in England called the Girl Guides. He recommended to her that she do the same thing.

So, as Mr. FOSTER has said, when she came back to America on March 12, 1912, she started the Girl Scouts of America, and actually wrote a friend a note and said, come right over; I have something for all the girls of Savannah and all America and all the world, and we're going to start it tonight. And they did start it. And by the time she died, there were 168,000 members of the Girl Scouts from that first 18.

The impact that they had has been national and international. Girl Scouts have been all over the map, and their history has followed the history of the United States. They collected clothes during the Depression. They made quilts. They carved wood toys. They gathered food for the poor. They assisted in hospitals. They participated in food drives and canning programs, provided meals to undernourished program, and in World War II, they operated a bicycle courier service and invested more than 48,000 hours in farm aid projects, collected fat and scrap metal, and grew victory gardens. They also collected 1½ million articles of clothing that were shipped overseas to children and adult victims of the war.

Nearly 100 years ago this happened, and yet Juliette Gordon Low's legacy of friendship, education and ideals is today shared by 3.8 million girls and women. We should be very proud to live in a country where such an organization exists, and I am proud to be a cosponsor of this legislation.

I rise to honor the Girl Scouts of the United States and their founder, Juliette Gordon Low. H.R. 621 would create a Girl Scouts Commemorative Coin in celebration of their 100th Birthday. Proceeds of this coin will benefit Centennial activities and the Birthplace of Juliette Gordon Low.

Today, the Girl Scouts are known for their cookies—of course—and their blue, green, or brown scouting uniforms, but most importantly, the Girl Scouts are known for their dedication in growing and nurturing life skills of young women around the globe. Scouts can earn over 300 badges and awards throughout their journey as a Scout for completing tasks which expand areas of knowledge and experience. These badges vary from Computer Smarts, to Money Sense, to First Aid, to Sports and Games, and Heritage. Girl Scouts number nearly 3.8 million—2.8 million girl members and 963,000 adult members.

Although cookie sales are the most recognized Girl Scouting Activity, they started on a much smaller scale. Girl Scout Cookies had their earliest beginnings in the kitchens of Scouts themselves—with their mothers' assistance. The earliest mention of a cookie sale found to date was by the Mistletoe Troop in Muskogee, Oklahoma, which baked cookies and sold them in its high school cafeteria as a service project in December 1917. In the 1920s and 1930s, Girl Scouts in different parts of the country continued to bake their own simple sugar cookies with their mothers. These cookies were packaged in wax paper bags, sealed with a sticker, and sold door to door for 25 to 35 cents per dozen. This project has now expanded to 11 varieties of cookies, with Thin Mints as the annual favorite.

Selling cookies began just five years after Juliette Gordon Low started Girl Scouts in the United States in 1912. The Founder, Juliet Gordon, was born in Savannah, Georgia on Halloween 1860. Affectionately called ''Daisy'' (which is now the name of the youngest troop designation) by family and close friends, Juliette's paternal family were early settlers in Georgia and her mother's family played an important role in the founding of Chicago. She was the second of 6 children and grew up during the difficult era of the Civil War and Reconstruction.

Daisy spent her early years in Wayne-Gordon House in Savannah, Georgia. In 1818, Savannah Mayor James Moore Wayne, later a U.S. Supreme Court Justice, purchased a double house lot on the northeast corner of Bull and South Broad streets. The house constructed for Wayne at a cost of $6,500, consisted of a two-story, double town house over a raised basement. In 1831, James Moore Wayne sold the house to his niece, Sarah Stites Anderson Gordon, and her husband, William Washington Gordon I, Daisy's parents. Today, this is the location of the Juliette Gordon Low Birthplace and Girl Scout museum.

In this house, young Daisy developed a lifetime interest in the arts—wrote poems, sketched, wrote and acted in plays, and later became a skilled painter, sculptor, and blacksmith. She had many pets throughout her life and was particularly fond of exotic birds, Georgia mockingbirds, and dogs. Daisy was also known for her great sense of humor. Her brother, George Arthur Gordon, described her this way, ''She was deeply religious, quite superstitious and a confirmed hero worshiper. Underneath her bubbling, irrepressible gaiety, there was a deep, generous, loyal, loving, striving, brave, self-sacrificing personality. She had her full share of slings and arrows of outrageous fortune, and she not only met them as the poet advised, by opposing, but in every crisis of her life she faced fate with a smiling defiance that was simply sublime.''

Her dedication to the community started at a young age. As a teenager, Juliette formed her first organization, the ''Helping Hands'', whose activities included making clothes for the poor. Juliette was a great organizer of people and situations, though not particularly organized herself.

Juliette attended school in Savannah, and moved to a boarding school at Virginia Female Institute (now Stuart Hall School) during her teens. She later attended Mlles Charbonniers, a French finishing school in New York City and traveled extensively in the United States and Europe after schooling. After her debut in Savannah, Daisy met the handsome and charming William Mackay Low—nicknamed Billow. Billow's father was an associate of Daisy's father and a prosperous British shipping tycoon with Savannah ties. Although her parents would never approve of a relationship between them, Daisy became convinced if she did not marry him, she would not marry at all. She characteristically continued to conceal her feelings from her family and friends; only revealing her innermost thoughts to her diary.

A year later, she became secretly engaged to Billow in January of 1886. When the engagement was revealed, her parents expectedly opposed the relationship as they felt that Billow was too spoiled and irresponsible to care for a wife and family. However, Daisy and Billow were both of age and Billow was bestowed with his father's fortune. On December 21, 1886—on her parents' 29th wedding anniversary—Juliette married Low at Christ Episcopal Church in Savannah, Georgia. She believed that, since her parents' marriage had been an idyllic one, the date would be lucky for her as well. During her wedding exit, a grain of good-luck rice became lodged in Daisy's ear. When trying to remove the rice, the doctor punctured the eardrum and damaged the nerve-endings resulting in a total loss of hearing in that ear at the age of 26. Her other ear had previously lost hearing because of an improperly treated abscess in 1885.

Juliette would later use her hearing impediment to her benefit. When asking for donations, she would purposely play deaf to not hear the word ''no.'' Instead, she would respond with the date she would come by to pick up the donation. However, her deafness did have an effect in certain social situations—during dinner function, a speaker rose to acknowledge Juliette. She became upset when the audience was not clapping at every pause, so she began clapping—unaware that the speaker was talking about her own accomplishments. A fellow diner had to stop her, as it is not proper to clap for yourself.

Putting difficulty aside, Juliette Low continued the luxurious life of a young Victorian lady during her married years in both England and Savannah. During the Spanish-American War, however, Juliette came back to America to aid in the war effort. She helped her mother organize a recovery hospital for wounded soldiers returning from Cuba. Her father (who had been a captain in the Confederate Army) was commissioned as a general in the U.S. Army and served on the Puerto Rican Peace Commission. At the end of the war, Juliette returned to England to a disintegrating marriage. The Lows were separated at the time of her husband's death in 1905.

Daisy considered herself to be a failure. She had no children, a failed marriage, and was left with little money from her husband. She was looking for something useful to do with her life and was considering becoming a professional sculptor when, in 1911, she met Sir Robert Baden-Powell. Sir Robert, a military hero with a keen interest in young people, was also a painter and sculptor, an interest he shared with Daisy.

He had begun a successful group in England known as the Boy Scouts. He was shocked to discover that 6,000 girls had joined the Boy Scouts, and urged his sister ''do something'' with the girls—so she began a parallel organization called Girl Guides. Sir Robert told Daisy about the two groups; she wrote in her diary after meeting him, ''He has ideas, which if I followed them, a more useful sphere of work might open before me in the

future.'' In 1912, Juliette returned to Savannah and called her cousin, principal of a local girl's school, and told her to ''Come right over! I have something for all the girls of Savannah, and all America, and all the world and we're going to start it tonight!''

That was the beginning of the Girl Scouts USA.

The first Girl Guide meeting in the U.S. was held March 12, 1912. The first two patrols (today known as troops) consisted of 18 girls. They wore the blue uniform of the British Girl Guides and used the same handbook as the British Guides. Juliette, an inveterate fund raiser, would use all sort of baited props to gain donations including a tomato tin with assorted Girl Scouts badges and awards to ''pin'' donors, and a hat decorated with root vegetables. When asked the purpose of her hat, she simply replied that she could not afford to properly decorate her hat as she donated most of her money to the Girl Scouts and then of course asked for an additional donation for the cause.

In 1913, the American girls decided they wanted their own identity and the name was changed to Girl Scouts and Juliette published the first handbook, ''How Girls Can Help Their Country; A Handbook for Girl Scouts.'' In her handbook, Daisy encouraged girls to participate in competitive sports and to develop career skills in short to BE PREPARED for life—still a guiding principle today. Juliette was also known for humorous antics such as standing on her head in a board meeting to show off the new Girl Scout shoes—a move usually saved for an ill niece or nephew.

During the mid-1920s, Juliette Low developed cancer, characteristically, she kept her illness hidden from family and friends. She served as President from 1915 until 1920 then she stepped down and assumed the role of the ''Founder'' of the Girl Scouts. In the 15 years that she worked with the organization, Girl Scouts grew from 18 members in Savannah to 168,000 members nationally.

Juliette Low was honored for her contributions on Georgia Day, February 12, 1926 by the city of Savannah and the state of Georgia in a large celebration held in Forsythe Park. She was able to attend the World Conference of Girl Guide and Girl Scouts in 1926 held at Edith Macy Girl Scout National Center just outside of New York City. Following the conference, she took a trip back to England to say good-bye to her friends. She died at her home on Lafayette Square on January 17, 1927 at the age of 66. Her funeral was held at Christ Church—the same in which she was married and christened—and was attended by hundreds of community members and her beloved Girl Scouts. She is buried in Laurel Grove Cemetery in the Gordon Family plot.

Throughout America's history, the Girl Scouts have reacted to many differing needs During World War I, girls learned about food production and conservation, sold war bonds, worked in hospitals, and collected peach pits for use in gas mask filters. By 1920, there were nearly 70,000 Girl Scouts nationwide, including the territory of Hawaii and new Girl Scout badges included Economist and Interpreter, and revisions already were being made to the Journalist and Motorist badges. Girl Scouts led community relief efforts during the Great Depression by collecting clothing, making quilts, carving wood toys, gathering food for the poor, assisting in hospitals, participating in food drives and canning programs, and providing meals to undernourished children. During WWII, Girl Scouts operated bicycle courier services, invested more than 48,000 hours in Farm Aide projects, collected fat and scrap metal, and grew Victory Gardens. They also collected 1.5 million articles of clothing that were then shipped overseas to children and adult victims of war.

Today, nearly 100 years later, Juliet Gordon Low's legacy of friendship, education, and ideals is shared and perpetuated by over 3.8 million currently registered Girl Scouts and, through USA Girl Scouts Overseas, her influence extends around the world. Every day, the Girl Scouts help mold young women and girls throughout our Nation by empowering them with knowledge and experience. This organization allows girls from all backgrounds to benefit from enriching experiences such as field trips, sporting activities, cultural exchanges, and volunteer work. In its near 100 years, more than 50+ million American women befitted from Girl Scouting in their childhood.

In addition to their National and global success, many former members carry the Girl Scouts legacy. One-third of female elected officials and almost 80% of female CEOs were Girl Scouts, in addition to sports stars, astronauts, presidential families, cartoonists, singers, actresses, Olympic medalists, and even a Supreme Court Justice.

I am honored to support the Girl Scouts 100 years, their dedicated Founder Juliette Gordon Low, and the crucial principles which they instill in each and every Girl Scout member. I wish them another 100 years of success.

Below I have listed some of the more famous Girl Scouts. But most of all I want to give special thanks to Allison Thigpen who helped with the passage of this legislation and without it would not be possible to bring H.R. 621 to the floor.

Bellamy, Carol—Executive Director, UNICEF
Dole, Elizabeth—Former President, American Red Cross
Katen, Karen—Vice President, Pfizer
Marram, Ellen—Former President, Tropicana
Bush, Laura—Wife of President George Bush, Jr (43rd President)
Clinton, Chelsea—Daughter of Bill Clinton (42nd President)
Gore, Tipper—Wife of former VP Al Gore
Johnson Robb, Lynda,—Daughter of Lyndon B. Johnson (36th President)
Johnson Turpin, Luci,—Daughter of Lyndon B. Johnson (36th President)
Kennedy, Ethel—Wife of Robert Kennedy (Presidential candidate)
Nixon Cox, Tricia—Daughter of Richard Nixon (37th President)
Nixon Eisenhower, Julie—Daughter of Richard Nixon (37th President)
Reagan, Nancy—Wife of Ronald Reagan (40th President)
Rodham Clinton, Hillary—Wife of Bill Clinton (42nd President)
Albright, Madeleine—former US Secretary of State
Napolitano, Janet—D–AZ; Former Governor
Collins, Lt Col Eileen—1st Woman Space Shuttle Commander Astronaut
6 American Astronauts
Day O'Connor, Sandra—Associate Justice, US Supreme Court
Jones, Starr—Co-host, ''The View'', ABC–TV
Sweeney, Anne—President, Disney/ABC Cable Network
Walters, Barbara—Anchorwoman of ABC ''20/20''
Allison, Jacqueline—Rear Admiral/Navy
Edmunds, Jeanette—Colonel, US Army War Reserve
Elliot, Carol C.—Brigadier General, USAF
Engel, Joan—Rear Admiral, Director, Health & Safety
Fishburne, Lillian—Rear Admiral/Navy
Frost, Kathy—The Adjutant General of the Army
Johnson, Joyce—Rear Admiral, Director, Health & Safety
Kirkpatrick, Jeanne—Former US Ambassador to the United Nations
McGann, Barbara—Rear Admiral/Navy
Paige, Kathleen K—RADM, VSN
Stierle, Linda—Brigadier General
Widnall, Sheila—US Secretary of Air Force—retired
Williamson, Myrna, Gen.—Retired Army General
Bergen, Candace—Actress
Crow, Sheryl—Singer/Songwriter
Fisher, Carrie—Actress, Author
Lucci, Susan—Actress
Merchant, Natalie—Singer, Songwriter
Reynolds, Debbie—Actress
Stewart, Martha—TV Personality; Martha Stewart Living
Moore, Ann—Publisher, ''People'' magazine
Dion, Celine—Singer
Moore, Mary Tyler—Actress
Fanning, Dakota—Actress
Ackerman, Valede—Women's National Basketball
Bell, Judy—Former President, US Golf Association; amateur golfer
Blair, Bonnie—'94 Gold Olympian Speed Skater
Fleming, Peggy—'68 figure skating gold Olympian
Hamill, Dorothy—'76 figure skating gold Olympian
Joyner-Kersee, Jacqueline—'88 Long Jump Gold Olympian
MacMillan, Shannon—Women's World Cup Member
Marquis, Gail—Olympic Basketball Medalist; basketball commentator
McPeak, Holly—Beach Pro Volleyball
McTiernan, Kerri-Ann—1st woman coach men's basketball
Powell, Renee—1st African American Golf Player on LPGA
Redman, Susie—Pro-golfer
Rigby-Mason, Cathy—Olympic Gymnast & TV Commentator
St. John Deane, Bonnie—Paralympic Snow Skiing Medalist
St. James, Lyn—Auto Racing; '92 Indy 500 ''Rookie of the Year''
Williams, Venus—Tennis Champion
Dove, Rita—'93 US Poet Laureate
Steinem, Gloria—Author
Brandon, Barbara—Cartoonist
Gist, Carole—1st African American Miss USA
Whitestone, Heather—Miss America, '95
Thigpen, Allison—Hill Staffer Extraordinaire

GIRL SCOUT MEMBERS OF CONGRESS

Baldwin, Tammy—D–WI; House
Biggert, Judy—R–IL; House
Bono, Mary—R–CA; House
Capps, Lois—D–CA; House
Chenoweth, Helen—R–ID; House
Christensen, Donna—D–VI; House
Clayton, Eva—D–NC; House
Collins, Susan—D–ME; Senate
Cubin, Barbara—R–WY; House
DeGette, Diana—D–CO; House
Emerson, JoAnn—R–MO; House
Eshoo, Anna G.—D–CA; House
Fowler, Tillie—R–FL; House
Granger, Kay—R–TX; House

Hutchison, Kay Bailey—R–TX; Senate
Jackson-Lee, Sheila—D–TX; House
Johnson, Eddie Bernice—D–TX; House
Kaptur, Marcy—D–OH; House
Kilpatrick, Carolyn Cheeks—D–MI; House
Landrieu, Mary—D–LA; Senate
Lee, Barbara—D–CA; House
Lincoln, Blanche—D–AR; Senate
Lowey, Nita—D–NY; House
McCarthy, Carolyn—D–NY; House
McCarthy, Karen—D–MO; House
Meek, Carrie P.—D–FL; House
Mikulski, Barbara—D–MD; Senate
Millender-McDonald, Juanita—D–CA; House
Mink, Patsy—D–HI; House
Murray, Patty—D–WA; Senate
Myrick, Sue—R–NC; House
Northup, Anne—R–KY; House
Pryce, Deborah—R–OH; House
Rodham Clinton, Hillary—D–NY; Senate
Ros–Lehtinen, Ileana—R–FL; House
Roukema, Marge—R–NJ; House
Sanchez, Loretta—D–CA; House
Schakowsky, Jan—D–IL; House
Slaughter, Louise M.—D–NY; House
Stabenow, Deborah—D–MI; House
Tauscher, Ellen O.—D–CA; House
Thurman, Karen L.—D–FL; House
Tubbs Jones, Stephanie—D–OH; House
Wilson, Heather—R–NM; House
Woolsey, Lynn—D–CA; House

I reserve the balance of my time.

Mr. FOSTER. I yield 2 minutes to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, before I begin my remarks in support of H.R. 621, I do want to suggest to the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Illinois (Mr. FOSTER) that Samoas would probably give Thin Mints a run for their money, just speaking from personal experience. I'm out there helping my daughters drag that wagon behind me.

Mr. KINGSTON. Will my friend yield a minute?

Ms. WASSERMAN SCHULTZ. I'd be happy to yield.

Mr. KINGSTON. I just was wondering, can you put those in vanilla ice cream and crunch them the same way you can the Thin Mints? Can you say in your heart of hearts they really have the substance and the property that you're looking for as you bite down? I'm only asking.

Ms. WASSERMAN SCHULTZ. Reclaiming my time, the gentleman would be interested and thrilled to learn that both Samoas and Thin Mints are now in ice cream that are special edition Edy's brand ice creams that are sold during the time in January when the Girl Scouts are out there selling their cookies for a good cause.

Mr. KINGSTON. Well, let me say to my friend, I stand instructed, and I appreciate being schooled today.

Ms. WASSERMAN SCHULTZ. I'm glad to provide you with the furtherance of your education on the Girl Scouts whose leaders, by the way, are not den mothers. Those are the Cub Scouts. Troop leaders are the actual title for Girl Scouts, and den mothers are Cub Scouts.

Anyway, I realize that that has cut into much of my 2 minutes, so if the gentleman would further yield.

Mr. FOSTER. I yield the gentlelady another minute.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Madam Speaker, I rise today in support of H.R. 621, the Girl Scouts USA Commemorative Coin Act. It is an honor to work with the sponsor of this important legislation, my friend and colleague from Georgia, Representative JACK KINGSTON.

As you may know, and as he has so wonderfully detailed, 97 years ago the first Girl Scout National Council meeting was held right here in Washington, D.C., and founder Juliette Gordon Low was elected president. Ms. Low envisioned providing a safe place, an environment of acceptance where girls could be inspired and challenged to build the necessary skills to become leaders. This vision still holds strong today, and the Girl Scouts provide the premier opportunity for girls and women to develop the talents and confidence necessary for a lifetime of leadership.

Being involved in this pursuit means something different to everyone. To me, it means leading by example every day. I'm honored to serve in the United States Congress, Madam Speaker, and I'm proud to tell you that not only was I a Girl Scout, but I am currently a troop leader for my 10-year-old daughter, Rebecca, her troop, and have been for 4 years; and now this year, for the first time, for my 6-year-old daughter Shelby's Brownie troop. But I never stopped being a Girl Scout myself, because I'm currently a member, as I know you are, of Troop Capitol Hill, the honorary Congressional Girl Scout Troop for all women Members of Congress.

In each of these roles, I personally see how Girl Scouts enriches the lives of millions of girls and their families through innovative programming that embraces the rich diversity of communities across our country. Girl Scouts are working day and night to make the world a better place. Through projects in their schools, local neighborhoods, and the international community, they touch lives in many ways. The Girl Scouts Commemorative Coin Act would recognize all the significant contributions of the Girl Scouts movement.

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

Mr. FOSTER. I yield the gentlelady an additional minute.

Ms. WASSERMAN SCHULTZ. The Girl Scouts Commemorative Coin Act would recognize all of the significant contributions of the Girl Scouts movement and commend their century of service to this country. I strongly join my colleagues in urging our colleagues to vote in favor of this worthy legislation.

Mr. KINGSTON. I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding and for his leadership on this issue as well.

For nearly 100 years, the Girl Scouts have helped girls throughout the United States develop their full individual potential. The first Girl Scout troop was founded on March 12, 1912, in Savannah, Georgia. And since then, more than 50 million American women have enjoyed Girl Scouting during their childhood, and that number's still growing.

There's over 3.7 million Girl Scouts across the Nation today. And as the father of four daughters, I can speak to the testament where Cassie and Briana were involved in the Girl Scouts themselves, and Tayler and Liesl still are actively participating in the Girl Scouts, and I certainly understand the importance that this institution has had and is having on their life.

So through a variety of experiences, ranging from field trips to community service projects to cultural exchanges, the Girl Scouts have helped girls build individual character and skills to succeed in today's world. And by fostering the development of these skills, the Girl Scouts have helped millions of girls contribute to the improvement of society through their abilities, their leadership skills and cooperation with others.

2012 will mark the 100th year anniversary of Girl Scouting here in the United States of America. And the legislation before us with the leadership of the gentleman, my colleague from Illinois, as well, would honor this milestone by authorizing the minting of 350,000 $1 coins, and the proceeds from that sale of these commemorative coins would, in turn, go back to the Girl Scouts program which is so important. And the Senate counterpart bill I know, as well, has over 70 cosponsors and is moving forward in a bipartisan manner. I expect it's going to pass swiftly as well.

But finally, I would be remiss if I didn't mention the cookies as well, and I'll put in one more vote. It's been a staple of Girl Scout fundraising for a long period of time all the way back to 1917. But just like my colleagues from Illinois and Georgia, my personal favorite is the Thin Mint.

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

Mr. KINGSTON. I yield 20 more seconds to the gentleman only because he's a Thin Mint person.

Mr. PAULSEN. Just seeing Dairy Queen as an institution also cooperate with the Girl Scouts to promote their cookie sales is outstanding.

So, Madam Speaker, this legislation before us honors an institution that has positively impacted the fabric of America for decades, and I encourage my colleagues to support it.

Mr. FOSTER. I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman from Illinois and the gentleman from Georgia for their respective leadership, and I will just tell you that my memory on what flavors I

enjoyed may be a little dull. My daughter is a little bit older than 12 or 15 or 20 or 25, and at that point I will stop for fear of her commentary on me giving her age. But I will say that I am honored to stand and support the Girl Scouts and the congressional coin in honor of them for the very special reason that I had the pleasure of watching my daughter grow up as a Girl Scout, but more particularly carry around those Girl Scout cookies in my Taurus station wagon and compete against the other mothers to make sure that we sold the most. And I would say to you that all of them were gourmet, because whichever box was left over, we told the person who was buying it it's the best bunch of cookies you could ever buy.

□ 1930

This is very special because this is a combination of two wonderful people, Juliette Gordon Low and Sir Robert Baden-Powell. Mr. Baden-Powell was a war hero and a founder of the Boy Scouts. What a perfect combination. So he encouraged his wife, or she was encouraged by him, and sought his help to establish the Girl Scouts in 1912. So in 1912 they started, and so 2012 they will have their 100th year.

But I really want to focus on why the Girl Scouts were so important, what they did for my daughter, Erica Shelwyn Lee. The interesting thing is that the Girl Scouts was founded even before women had the right to vote. They were the early underpinnings of giving girls leadership skills, how special that can be. And now we find there are 236,000 troops—and they're called ''troop leaders'' by the way—and there are 10 million girls today around the world that are made up of Girl Guides, and Girl Scouts, and Girl Scouts of the United States of America, all part of a worldwide family of 10 million girls and adults in 145 countries. What a success story.

And so this is an important affirmation of how important Girl Scouts have been to the building of character of women.

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

Mr. FOSTER. Madam Speaker, I yield an additional 1 minute.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

This is an affirmation of what leadership skills can do for America. Girl Scouts have grown up to be many outstanding leaders here and around the world. But one thing I think is very important. It teaches young girls team partnership, the ability to work together, the ability to succeed together and fail together and not give up.

So I am very glad to rise and salute the Girl Scouts of the United States of America but also to applaud this legislation of H.R. 621. I congratulate my friend from Georgia (Mr. KINGSTON) and my good friend Mr. FOSTER from Illinois for this great legislation, and all of those sponsors, and I am pleased to advocate for its passage.

Mr. KINGSTON. Madam Speaker, if I could ask an inquiry of my friend from Texas.

Now, you have not said which cookie is your favorite. You did kind of sidestep it, saying they were all gourmet, but Mr. FOSTER and I just want to know.

I yield the gentlewoman 2 minutes on this very important issue.

Ms. JACKSON-LEE of Texas. I do remember them coming in big brown boxes, and I had them all stuffed in my station wagon going from door to door. But the shortbread ones have to be the best.

I know you all had all of the mint and the Samoas, but the shortbread was the tastiest. I love the shortbread. Texas likes it big and simple, and shortbread did the job.

Mr. KINGSTON. I would ordinarily tell my friend I am a little disappointed. However, inasmuch as you have explained it so eloquently, I will say we'll give the shortbread honorable mention here.

And I saw Mr. GINGREY raised his hand as a shortbread guy himself.

I yield to the gentlelady.

Ms. JACKSON-LEE of Texas. This is the true spirit of bipartisanship, and I am delighted that we are rising today to support this very fine bill to honor the Girl Scouts of America with this gold coin.

Mr. KINGSTON. Madam Speaker, we have no other speakers. I was going to finish a statement real quickly and then yield back the balance of our time.

And I wanted to say with Ms. JACKSON-LEE here and Ms. ILEANA ROS-LEHTINEN that these are two of our Girl Scout Members. I have a list of other Members who I will be submitting for the RECORD.

But also, Madam Speaker, I want to say that this bill also contains a pair of coin-related technical corrections, one of which allows an extension in the sale of the proof set contained in the 2009 Abraham Lincoln bicentennial one-cent coins because of a manufacturing glitch which slowed down the production of approved sets. Taken together, though, this bill is still budget neutral.

The Senate counterpart bill has more than 70 cosponsors, and I expect swift consideration of this bill there as well.

And so, Madam Speaker, I urge my colleagues to support this important legislation.

I yield back the balance of my time.

Mr. FOSTER. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. FOSTER) that the House suspend the rules and pass the bill, H.R. 621, as amended.

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

A motion to reconsider was laid on the table.

IRAN SANCTIONS ENABLING ACT

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

Mr. KLEIN of Florida. Madam Speaker, I rise today to support H.R. 1327, the Iran Sanctions Enabling Act.

The United States has found itself at a crossroads when it comes to Iran. As we pursue an engagement strategy, we must also prepare for the worst. If Iran fails to comply with their commitments, we must have tools to compel them to change their behavior. This is what we're doing here today with this bill.

I would like to thank Congressman BARNEY FRANK for his continued and sustained leadership on this issue. The Iran Sanctions Enabling Act is one of many steps that Congress can and should take to isolate Iran, which we are working on.

I am proud that my home State of Florida was the first in the Nation to pass the law to divest from companies that conduct business in Iran. I would also like to acknowledge many of the activists and people in Florida that help pass this legislation. In particular, I note the accomplishment of my friend, State Senator Ted Deutch, the author of the Protecting Florida's Investments Act of 2007.

Iran must not get a nuclear weapon—not on our watch and certainly not on our dime. I would certainly urge the swift passage of this legislation.

OPENING OF THE MICHAEL FUX FAMILY CENTER

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

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to recognize Michael Fux on the grand opening of the Michael Fux Family Center at Miami Children's Hospital.

It is with great pride that I recognize Michael's exemplary work and dedication throughout the years supporting underprivileged children. The Michael Fux Family Center is a state-of-the-art facility that will provide families with up-to-date medical information, activities, and entertainment.

Throughout the center, families can access information about their child's condition and meet and network with other parents. It truly warms my heart to know that the families visiting and the patients staying at Miami's Children Hospital will have a place to get together to share a peaceful environment.

Michael, on behalf of all south Florida and the United States Congress, thank you, thank you so much for your life of selfless giving.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the

well while another is under recognition.

POSTER BABY FOR HEALTH CARE REFORM

(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. Madam Speaker, might I introduce to you the poster baby for health care reform.

In Denver, a wonderful bouncing baby was denied health insurance because the baby weighed about 17 pounds and was 4 months old, and it was determined that he had a preexisting disease of obesity.

Now, all of us know how wonderful it is to have a healthy baby who has a full and wonderful round look. We also know about something called baby fat, and for us mothers we know how a bouncing, bountiful baby can turn into that lean marathon runner. That's just the way it is.

So for all of the reports that our insurance companies are attempting to undermine the effort of ensuring that every American has access to health care and that we rid ourselves of this whole condition of preexisting disease, here's your example.

What an outrage.

IN HONOR OF THE 56TH STRYKER BRIGADE COMBAT TEAM

(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. Madam Speaker, I rise today in support of House Resolution 754. It was an emotional time in Pennsylvania as members of the 56th Stryker Brigade Combat Team came home from Iraq to a tribute of yellow ribbons and flying flags. The homecoming elation belies the fear that always accompanies soldiers at war.

NBC correspondent Richard Engel described one of the uses of a Stryker vehicle now in Afghanistan: ''We're warned about IEDs, improvised explosive devices, a somewhat desensitized way of saying bombs that can blow you to pieces and throw your body 75 feet in the air.

''Some of the Strykers, the soldier's armored vehicles, are fitted with giant rollers. They stick out in front of the big armored trucks, making the Strykers look like the machines that pick up golf balls at a driving range. The Strykers push the heavy wheels of the rollers over the sand. If the wheels hit an IED, the device will blow up; if not, the ground is safe.

''We walk in a double-file line in the tracks left by the rollers. I try to walk in the footsteps of the soldier in front of me.''

This is a stark reality of the job the Stryker Brigade performs in both Iraq and Afghanistan. It is just one of the reasons we honor their service today.

HEALTH CARE BILLS ARE FRIGHTENING

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

Mr. GINGREY of Georgia. Madam Speaker, we currently have Democratic health care reform bills under consideration. Surveyed together, our options are frightening. H.R. 3200 adds $239 billion to the deficit, it opens the door for illegal aliens to get benefits, and it could move up to a hundred million Americans off of their current health care plan and onto the government-run option.

The Senate Health, Education, Labor, and Pensions Committee bill forces a government takeover of our Nation's health care system and allows the government to sell products that all Americans must buy. The Senate Finance Committee bill cuts over $400 billion from the health benefits of our seniors. It increases the average insurance premium for American families by $4,000, and it still leaves 2.5 million Americans uninsured even with its $1.8 trillion expenditure.

As bad as these bills are, what they will become once HARRY REID, NANCY PELOSI and their liberal allies in the Senate take them behind closed doors to craft a final product will be much, much worse. Personally, the last people I want deciding my family's health care are Speaker PELOSI and Leader REID.

TRIBUTE TO CHRISTOPHER FRENZE OF THE JOINT ECONOMIC COMMITTEE

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

Mr. BRADY of Texas. Madam Speaker, I rise today in tribute to Mr. Christopher Frenze, Republican House staff director for the Joint Economic Committee, who's retiring this week from a distinguished career in government service.

Chris joined the Joint Economic Committee in 1981. His career has been distinguished by his relentless effort to promote the public interest, encourage economic growth, reduce the burden of government, and respect the Constitution. His knowledge of economic policy is only one of his many talents.

He's an effective, successful manager who recruited top economists to serve the committee for many years. His work has served both Senate and House Republican Members in the majority and in the minority. He represents the very best in public service.

I know I speak for all of my colleagues in the Joint Economic Committee in congratulating Chris upon his retirement and thanking him in his dedicated and tireless service to the United States Congress.

□ 1945

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AFGHANISTAN IS NOT A WAR OF NECESSITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the White House is figuring how they should treat Afghanistan, what to do about Afghanistan. As they review the situation, they must be asking themselves a lot of questions: Should our strategy be counterinsurgency or counterterrorism? Should we send in 40,000 more troops, or 20,000 more troops, or should we send in any more at all? And is the Taliban really a threat to our national security?

Meanwhile, the American people are asking the most important question of all: Is the war a war of necessity? And most Americans are coming to the conclusion that it is not. And I agree with them.

Our military presence in Afghanistan is not necessary because al Qaeda, which attacked us on 9/11, simply isn't in Afghanistan anymore. In fact, it's estimated that only about 100 al Qaeda fighters remain in the country. Our military presence isn't necessary because it will lead us into another foreign quagmire. Escalating the war will require massive numbers of troops. They will be fighting an endless war with many casualties, no exit strategy at this point, and the American people will not put up with that.

This war is not necessary because it will cost hundreds of billions of dollars. That's the money we need to put the American people back to work, Madam Speaker, and to get our economy back on track. And finally, this war is not necessary because we have better alternatives.

First and foremost, these alternatives include smart security. Smoking out and stopping the violent extremists in Afghanistan requires the effective surgical tool of smart security, not the blunt instrument of massive military occupancy. Smart security calls for strengthening our intelligence and surveillance capabilities. That's absolutely essential because the best way to stop the extremists in Afghanistan is to penetrate and disrupt their networks.

Smart security calls for improvements in civilian policing. A well-trained police force is a highly effective counterinsurgency tool because it's right there in the communities where the extremists are. Smart security calls for a regional diplomatic surge. Afghanistan's neighbors have an interest in stabilizing the country just

as we do. Those nations include Russia, China and Iran. They need to be engaged.

Smart security also recognizes that al Qaeda and other extremist groups have the ability to shift gears and set up shop in other places around the world, probably in the poorest places they can find.

That's why smart security supports investments in the development of impoverished nations, to give people the hope and the opportunity they need to reject violence and hatred in the first place. And because we need to keep the extremists away from weapons of mass destruction, smart security calls for vigorous inspection regimes and a renewed commitment to nuclear nonproliferation.

In this session of Congress, Madam Speaker, I have introduced House Resolution 363, the ''Smart Security Platform for the 21st Century.'' It is the blueprint we need to defeat extremism in Afghanistan and elsewhere in the world. Madam Speaker, the strategy I have described is tough. It is pragmatic. It will protect the lives of our brave troops, and it will keep our Nation safe.

As the administration conducts its review of the situation in Afghanistan, I urge them to choose this strategy because it is the winning strategy.

HALLOWEEN HEALTH CARE

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. Madam Speaker, somewhere in the deep, dark, moldy caverns of this Capitol building, known only to the very few, the taxacrats are very busy writing their Halloween health care bill. They want to shove it through Congress before Halloween. How appropriate a date for that nightmare.

The Senate took another step today toward Halloween health care. The Senate Finance Committee passed something they called a ''concept'' bill. It's not really a bill, it's just a concept, an idea. That means the bill is not really actually written. But they passed it out of the Senate Finance Committee anyway.

Now, they're supposed to merge it together with the trillion dollar Health, Education, Labor and Pensions Committee health care bill. That's the HELP bill. The Senate passed that earlier this year. So in the secret caverns of the Capitol, the health-care-crats are going to merge the two Senate bills to come up with the final Halloween health care bill.

Here is the problem with all the bills so far: The government decides our health care. All the power and all the control goes to the Federal Government. It lets the government decide what procedures doctors may perform on their patients. If some new medicine comes along, it won't be covered. You have to go into the government-run plan to get new medicines. And you have to pay a big fine if you don't buy insurance when you're young and healthy. I'm sure the youth of America will like that new change in health care. Plus, businesses that cannot afford to have health care for their employees will also get stuck with an 8.5 percent tax. Of course, that will put some businesses out of business. In other words, tax them out of business.

The bills are so vague that illegals probably are covered in all of the bills as well. Also these bills tax good insurance plans like the ones that many union members have. If someone pays more to get better insurance, the government is going to make them pay for having that better insurance with higher taxes. And millions of people are still not covered in the bills. Now wasn't that supposed to be the reason for all of this reform? We are turning the health of America over to the government, and these bills still won't cover everyone.

And even when they still don't cover millions of people, government health care is just too expensive. America cannot afford it. Government-run health care is going to cost the taxpayers at least another trillion dollars at the very least. And where are we going to get the money? We don't have the money.

Now the taxacrats are tying to tell us that putting everyone in a new government-run health care system won't cost the taxpayers any money. Well, they are wrong. That would be the first time in history a government-run program like this health care bill costs less than it was supposed to be.

If you liked your health care when you had to pay for it, Madam Speaker, you will really like it when it's free.

There's more. Government health care is going to cut half a billion dollars out of Medicare to help pay for this Halloween health care bill. Of course, that scares our seniors. And another thing that's odd: Every single one of these bills don't go into effect until the year 2013. Now why is that? But the new taxes take effect in 2010. That's right. American taxpayers pay 3 years of new taxes on plans that don't take effect for 3 more years. Now isn't that lovely.

So what's the big rush to pass all this? You'd think they're trying to hide something. And I wonder what that could be? If this is such a great deal, why is there deception surrounding this health care bill? Why not have openness before we vote on it? Let's have floor amendments. Let's have lively floor debate on it. Let's take our time. After all, the bills don't take effect for 3 more years. And maybe we'll have time for everyone in the House and the Senate to read these bills. Now there's a thought.

Halloween health care is just a nightmare. And the people I represent in southeast Texas don't want the government controlling their health care. But Halloween health care looms in the dark shadows of these hallowed halls. Where the trolls roam at night, the bureaucrats write their health care bill, while the taxpayers continue to ask, ''trick or treat?'' And that's just the way it is.

THREAT OF TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Eight years ago, the U.S. entered Afghanistan. Now 8 years later, 791 American deaths and billions of dollars later, we must ask, what have we gained? Has our 8 years in Afghanistan made us safer? And will 8 more years make us safer still?

As we speak, the administration is reviewing the best strategy to achieve one primary objective: To protect Americans from another terrorist attack. We agree on the objective. We differ on the strategy.

As we move to define our strategy, the question we must continue to ask ourselves is: how do we keep Americans safe from a terrorist attack? Recent events suggest that we need to broaden our focus and think bigger than Afghanistan. After all, we are battling not simply against terrorists in Afghanistan but against terrorism, which we are learning has many fronts, extending from Afghanistan to Pakistan to Somalia, Yemen, Uzbekistan and even our own backyard.

Over the past 2 weeks, five men have been arrested for plotting terror attacks in our country. One man lived in New York for more than a decade and was planning to detonate a bomb there on the anniversary of September 11.

Thomas Friedman argued in his recent New York Times column that the most active front in this war against terrorism is ''not Afghanistan, but the 'virtual Afghanistan,' the loose network of thousands of jihadist Web sites, mosques and prayer groups that recruit, inspire and train young Muslims to kill.''

The young Jordanian who was recently arrested for attempting to blow up a building in Dallas was caught after declaring war on the U.S. on jihadist Web sites.

We must broaden our focus. Jihadist networks are also gaining ground in unstable states such as Somalia and Yemen. Recently, a source at a U.S. defense agency stated, We know that south Asia is no longer al Qaeda's primary base. They are looking for a hideout in other parts of the world and continue to expand their organization.

We must broaden our focus. Two weeks ago, a major Uzbek terrorist with links to the Taliban and al Qaeda was killed in south Pakistan. The man killed was the leader of the Islamic Movement of Uzbekistan, a group whose goal was to set up an Islamist state there and ultimately throughout central Asia.

We must broaden our focus because the jihad has no borders, and thus our security policy must have no borders. James Traub recently likened jihadism to Communism without Russia, explaining that ''its success or failure is measured in ideological rather than territorial terms.'' That is the threat we face, a threat based not on borders but on beliefs.

Which brings us back to our initial question: how can we best keep Americans safe from an ideological and borderless threat? We have sunk billions of dollars into Afghanistan, but at some point we must prioritize our spending. The reality is we have limited resources, measured both in lives and tax dollars, and we must expend those resources carefully and pragmatically.

''The problems of this world are deeper, more involved, and more stubborn than many of us realize,'' said George Keenan, scholar and diplomat, in a 1949 speech to the Academy of Political Science. ''It is imperative,'' he continued ''that we economize with our limited resources and that we apply them where we feel that we will do the most good.''

If pouring a large portion of our precious resources into Afghanistan will keep Americans safe from another terrorist attack, then it is an unquestionable investment we must make. But the reality that we are battling a worldwide network of jihadists might require us to step back and reassess our priorities.

If we are ever to achieve our objective of keeping America safe, we must, as Mr. Keenan suggests, apply our limited resources where they will do the most good. Where that exactly is, we have yet to determine. But we must be careful of basing our strategy on borders, when the enemy we are fighting is borderless.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE STIMULUS LABEL MUST BE SHUNNED

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. Madam Speaker, I was reading the Roll Call newspaper today, and on the front page it says, ''New Economic Plan Weighed, But 'Stimulus' Label Shunned.'' It says, ''Democrats are scrambling to define a new plan to boost the economy as unemployment hurtles toward double digits, after months of insisting that talk of another stimulus package was premature.''

Just don't call the as-yet-unwritten new proposal ''stimulus.''

Shakespeare said a rose by any other name would smell as sweet. They're talking about another stimulus bill. And everybody in this country knows that the $787 billion stimulus, and with interest it's over $1 trillion, did not work.

The President said that unemployment would not go over 8 percent. It's over 9.5 percent right now. And the Democrats are scared to death it's going to go to 10 percent, so they are coming up with another plan, stimulus, to get the economy moving so there won't be any more unemployment. It won't work. It won't work just taking government money and throwing it at the problem. It creates more deficits, it's going to cause more inflation down the road, and it's going to cost higher taxes, but it's not going to create jobs.

The thing that creates jobs is giving Americans more disposable income in their paychecks. The thing that creates jobs is for businessmen and industry people to have more money so they can buy more equipment and more plants so they can produce more products that people can buy. And then the employees, because they have more money because their taxes have been lowered, can buy it. That's what Ronald Reagan knew.

□ 2000

Ronald Reagan cut taxes when he came in. We were in a very bad economic time back in the early eighties. A lot of people don't remember that, but they were very bad coming out of the Carter administration. So he came in and they said, You've got to raise taxes. You've got to throw money at it. And he said he thought we ought to do just the opposite. We ought to give people some of their money back by lowering taxes. We ought to give business and industry some of their money back so they can invest more, and that would create a rising tide that would raise all boats. And you know what? It did. And it created the longest period of economic expansion in the history of this country.

Now, today the President wants to solve the problem by taking taxpayers' money, raising taxes, coming out with new programs that are spending billions of dollars and then throwing money at it. It will not work. If they come up with another stimulus package and they throw all of this money at it that we don't have, we will have to print more and we will have inflation because of it, and that will raise taxes. Then the unemployment rate will continue to rise because people won't have disposable income to spend. And many of them will be losing their jobs because businesspeople will be cutting back and laying people off or going offshore.

The fact of the matter is raising taxes right now, throwing more taxpayers' money that we don't have at the problem, will not solve it. The thing that will solve it, if I were talking to the President—and I hope maybe someday he will be listening—is, Mr. President, cut taxes on the individual, cut taxes on business and industry. Give us more disposable income and people will buy products. And when they buy products, we will create products. And when we create products, we will create jobs. That is the answer. Ronald Reagan knew it, but President Obama doesn't, but maybe he will get the message before long.

Where we are heading right now is toward a socialist economy, a government-run socialist economy like the Europeans are doing. It hasn't worked there; it won't work here.

Mr. Obama, Mr. President—if I were talking to him, I hope he will listen—cut taxes. Do what Ronald Reagan did and you will solve the problem.

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.)

SAY ''YES'' TO INTEGRITY IN THE NFL, ''NO'' TO RUSH LIMBAUGH

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. Madam Speaker, this is the value of democracy: differences of opinion. And, frankly, I believe that this government, this majority is on the right track. We were in an emergency, a recession that has continued for a period of months. Even as we watch Wall Street bounce back, we know the pain of Americans who have suffered the loss of jobs.

It is important to note that history is at our back; for if FDR had not been aggressive and taken risks to invest in programs that generated jobs, maybe not the type of focus of the 21st century but the WPA, who put our grandfathers and some grandmothers to work, allowed young men who were able to come back from World War II to be able to have an opportunity to then grow a capitalistic society, the boom of the 1950s, when those young men and young women married and created families and built homes.

And so it is important to have the facts. And I would say to you that the jobs data which we are collecting says that jobs have been created, important jobs. Thousands and thousands of teachers have been able to be retained to educate our children. We have had a number of others in various agencies that we have been able to keep, and those jobs then generate into the private sector.

I am often well aware that there are different economic perspectives, but Paul Krugman has a note, not necessarily the full article that I hope to associate myself with, but it says,

Pressure to scale back efforts to support the economy from those fearful of a sliding dollar should be ignored.

We are going to have to take risks. It is not a perfect system, but we are contemplating what will create more jobs. I believe it happens to be infrastructure and transportation, and we are looking at those issues. So know the facts. And we will have the facts because we are collecting data from all the States to be able to make the point that jobs have been created by this stimulus, and we know that we can do more.

Let me finally move to another topic and offer my thoughts, even though I believe in the First Amendment and the right to freedom of association, but I stand with the NFL Players Association, not to make Rush Limbaugh any kind of national standard or a national hero or the national issue. I will let my friends on the other side of the aisle determine what he is and what he is not, but I know that he is not the kind of owner that the NFL needs.

He does not represent the fullness of appreciation of athletes of all diverse backgrounds no matter what he wants to portend to say on his radio station. But he is one who is divisive. Just as they are about to select him as a judge for a Miss America contest; I can't understand that, but that is their choice. Maybe they think he will bring in millions of listeners. But can you imagine a poor girl, scared already, to be able to ask a question about the person she admires most and she says somebody that happens to be a different political affiliation, she is, of course, not a winner. But that's their decision.

NFL has become one of America's pastimes. All of us from all walks of life and economic backgrounds look at the NFL. I know that there are far better owners that could be selected than one package that has this gentleman in it. I would ask the NFL owners to put standards in place, criteria; base it on integrity, not just the bottom buck. Anybody that wants to call a quarterback in Pennsylvania and call him out—he happens to be African American—as not being competent, just somebody that the media has promoted, not being talented—interestingly enough, that football player happens to still be playing and doing a great job. I don't know why in the heck, other than the big dollar, that Rush Limbaugh would be interested in the NFL. And so we're not interested in him either. And I would hope—though this is not my choice. This is not a government issue as well as it is an issue of integrity for those of us who believe that this is a great sport that brings all of us together.

I would hesitate to say that he is not someone who brings people together. And I just simply ask those owners to do the right thing; have a criteria of standards, a bottom line of integrity. It is not all about the dollar. It is about the value of sports and teamwork and working together and bringing young people together and looking at values that are not political, that are simply about us getting along as a Nation, being admired by the world for having a great sporting community, if you will, whether it's baseball, basketball, football, soccer, tennis, golf. That's what it's about.

NFL owners, have some integrity. I think you need a different owner team.

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.)

MONROE COUNTY, FLORIDA, COMES TO WASHINGTON

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. Madam Speaker, this week, a delegation of Monroe County elected officials, led by Mayor George Neugent, will be traveling here to Washington, D.C. In addition to meeting with Members of Congress, the Monroe County delegation will also meet with senior officials at FEMA on the issue of downstairs enclosures.

I have met with middle class homeowners in the Keys who are unable to secure flood insurance because of their downstairs enclosures. These homeowners utilize this additional living space to house an elderly resident, a family member, or to provide affordable housing to others. No one can afford to be without flood insurance in the Florida Keys. And since an inspection is required before any current flood insurance policy can be renewed, many residents are being left to fend for themselves.

While the issue of downstairs enclosures is certainly an important one, the state of our economy is the single most important issue for Keys residents. In recent months, I have had the opportunity to travel throughout the Keys to hear firsthand from teachers, from students, from entrepreneurs, retirees who are struggling because of uncertain economic conditions and a dwindling tourist economy. I have met with commercial fishermen in Key Largo who are abandoning their boats and leaving their lifetime passion in pursuit of part-time jobs that will at least pay the bills. Many of these fishermen are unable to make a living because of onerous fishing regulations and unfair moratoriums. I have met with small business owners in Key West who are closing down shop because of their inability to secure a bank loan which would at least carry them forward until next year.

The economic success of our community rests on the success of our fishermen and our hotel owners as well as on the environmental preservation of our beaches, our coral reefs, and other precious ecosystems. As a Member of Congress who proudly represents the Florida Keys, I have consistently fought for increased Federal action to protect our environment. For example, our Florida Keys National Marine Sanctuary is a world-renowned institution, and we have beautiful coral reefs that are a major economic engine for our local economy.

Last month, the House of Representatives passed the Coral Reef Conservation Act, a bill that I cosponsored. This bill increases Federal oversight of coral reef monitoring and rehabilitation efforts as well as promoting community-based conservation initiatives.

In addition to conservation efforts, I am working with my colleagues here in Congress to support the Aquarius Underwater Sea Lab, which is based in Key Largo. Aquarius is the only permanent underwater lab in the world, and its facilities are used in partnership with NASA and the Navy to train astronauts, divers, and to develop cutting-edge technology. I have been in contact with officials at NOAA to voice my strong support for the continuation of this important program, Aquarius, which is of great benefit to the scientific community and to our local economy.

During this time of economic uncertainty and volatile gas prices, it is more important now than ever that we reduce our dependency on foreign oil. The foundation of a comprehensive energy policy depends upon our ability to develop alternative sources of energy.

In Congress, I have been a consistent advocate of green energy initiatives. I voted to raise national fuel economy standards for our automobiles and establish a Federal renewable electricity standard. I have also voted to increase tax incentives for small businesses that utilize energy-efficient technologies in the workplace, such as solar panels or hybrid cars.

The Florida Keys has the potential of becoming a major market for green tourism, both nationally and internationally. And of course in order to achieve this goal we need to improve both our transportation infrastructure as well as our wastewater infrastructure.

I am proud to say that I have been a leader in securing millions in Federal dollars for our roadways, our bus facilities, as well as for the Florida Keys Wastewater Project. Securing Federal funds for the Florida Keys Wastewater Project is a top priority of mine in Congress because we have to protect our National Marine Sanctuary from further environmental damage. In the past year, I have secured more than $25 million toward this project.

Later this week, the House of Representatives will vote on a Homeland Security Appropriations bill, which includes funding for a new emergency operation center which will serve all of Monroe County. I know that the need for Federal dollars is great, and I will

continue to do my part for the Federal funds for the Keys.

Welcome, Keys representatives, to Washington.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WALL STREET JOURNAL AWARDS HCSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Madam Speaker, I rise today to applaud HCSS, a small business in my district in Sugar Land, Texas. HCSS was recently honored by the Wall Street Journal as one of the top 15 small business workplaces in America. In this tough economy, the company that puts employees first is the one that stands out.

I recently met with Mike Rydin, the founder and CEO of HCSS, about the success of his company, and he said, ''We try to provide an environment that attracts and retains top talent and helps keep employees happy. Hiring top talent that loves coming to work allows us to provide topnotch software and service to our customers.''

HCSS was one of nearly 630 private, nonprofit, or publicly held organizations across the country that were nominated for this prestigious award. According to the Wall Street Journal, they select employers that foster teamwork, flexibility, high productivity, and innovation, while also helping their employees grow personally and professionally and providing benefits that improve lives and communities.

HCSS has taken a hands-on approach to wellness for their employees that should serve as a model for private-sector solutions to our Nation's health care problems.

□ 2015

HCSS recently opened a new Sugar Land headquarters, which includes a one-third-mile, crushed-granite jogging trail, an exercise room, a game room, a gym with a basketball court, and a putting green. The company also pays fitness and wellness trainers to counsel employees on nutrition and exercise, and it offers on-site yoga and Pilates classes.

Each year, all employees are eligible to receive $100 for each good result in an annual health screening, such as good cholesterol levels, not smoking and moderate body mass index. HCSS recently contracted with a company that will provide employees doctor consultations over the Internet right there in the HCSS offices.

A focus on employee wellness should be part of the solution to our Nation's health care debate. Small companies need a level playing field in cost and affordability for their employees. That is why Congress should provide the same tax incentives for small companies that large corporations enjoy. Targeted tax relief would allow more companies to follow the HCSS model for health care for their employees.

As a result of the wellness programs at work at HCSS, their company-paid annual health insurance premiums fell over $600 per employee in 2008 from 2004—$600 per employee over a 4-year period. The company credits this to its vast wellness program and to its introduction of a high-deductible health plan, coupled with health reimbursement accounts to which the company contributes $1,000 to $3,000 annually for employee and dependent out-of-pocket health care expenses.

These are important examples of how health care costs can be reduced without looking to massive government programs to achieve greater coverage and lower costs. This is only one component of the debate, to be sure, but it can address many of the problems small businesses face to provide affordable health care to their employees.

Mike Rydin has future plans to build a school to train low-income people new skills so they can become more integrated parts of the communities in which they work and live.

HCSS has the kind of innovative and entrepreneurial vision to provide wellness and a comprehensive work environment that America has always relied on to find solutions to our bigger problems. I am proud of HCSS for their recognition as a top small workplace in America. This is the first Houston area company and only the second in the great State of Texas that has been recognized with this award.

Washington would do well to look at how small businesses like HCSS are achieving the results that we seek. Oftentimes, the great ideas come from the small innovators.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

(Mr. INGLIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Maine (Ms. PINGREE) is recognized for 60 minutes as the designee of the majority leader.

Ms. PINGREE of Maine. Thank you very much, Madam Speaker. I am pleased to be here on the floor tonight with a gathering of my freshman colleagues. We thought we would spend our hour talking about the very important issue of health care.

As everyone knows and as everyone sees in the newspapers pretty much every day, that is the topic on the mind of Congress and, certainly, on the mind of America. I know, for me, it's the issue I hear most about back in my district when I'm having a town hall meeting or am meeting with constituency groups—doctors, nurses, practitioners of any kind—to talk about their concerns about health care. It's the number one thing people bring up to me.

Certainly today, being from the State of Maine, the Finance Committee in the Senate—which isn't the House, but it's also going to eventually coordinate it with us—was voting out their bill. My colleague from Maine, Senator OLYMPIA SNOWE, voted in favor of the health care bill, making herself the first Republican to vote affirmatively on some of the proposals that we have before us. While she and I may differ on some of the policy issues, we all represent the State of Maine, and she spoke today about the great urgency of passing a piece of health care legislation. That is certainly of great concern to us, so I am glad we have an hour to talk a little bit about it.

There is such a range of issues to talk about. I know I want to mention a little bit about some of the concerns about insurance companies and the importance, at least for me, of voting for a plan that has a very robust public option. Before I turn it over to one of my colleagues, I just want to tell a couple of quick stories about the issues that we have been facing in the State of Maine.

Like a lot of States, we have a very small number of insurance companies. Many States find that 70, 80, sometimes more than 90 percent of their market is all taken up by one insurance company. I'm sure Representative TONKO from New York has some stories to talk about this as well and just about the issues that we have about why we need more competition in the market.

Interestingly, in Maine, our Attorney General has just entered into a very fascinating case with Anthem Insurance Company. Anthem is one of the few companies that does business in the State of Maine, and they recently asked for a rate increase. I think they asked for 18 percent. The State granted them 11 percent. They turned right around and sued the State of Maine, and said, You know, if you're not going to give us what we need, we're going to have to sue you on this. I'm just looking here through my papers.

I have some interesting information about just how much profit this particular company is making, and I will come across it in a minute here.

What really struck me as profound is that many of my constituents' stories—as I mentioned, I run into constituents in the grocery store, everywhere I go, and certainly people have been contacting our office about the challenges of health care reform. Many of our constituents' stories are about the dealings that they have with their insurance companies. As somebody said to me recently, you know, insurance is great until you need it, and then 9 times out of 10, you find out that your company isn't there when you need it. Now I want to tell a couple of stories about what I've heard from my constituents.

Representative TONKO, perhaps you'll want to weigh in on this conversation. Then we can go back and forth a little bit about what we're hearing.

Mr. TONKO. Absolutely.

Thank you, Representative PINGREE, for leading us in this hour of discussion because there have been many elements of fear that have been introduced into the dialogue, into the discussion—into the debate, if you will—that have been intending to, perhaps, mislead and misinform, and that is not what America needs right now.

America needs a thoughtful, very meaningful discussion on health care—how to provide for certainty for our business community with predictability in their insurance costs—because I do believe most employers want to cover their employees with a sound, basic health care plan. So we also need stability and security.

I think I would share with you the sentiments that we need insurance reform to address the concerns of America—and not just for the uninsured and underinsured. This discussion is as much about those of us who have insurance in hand. The stability and the security of that plan is at risk, so we need to go forward so there is no discrimination for preexisting conditions.

I have heard, and I am certain you have and our colleagues have heard in the freshman class and beyond in the greater audience of this Chamber. We have heard from constituents about the horror stories of premium increases over a short span of 2 years. I'm thinking of a story where there was a 37 percent increase over 2 years, which was the situation for a couple, a married couple, where the wife of that couple had been impacted by a catastrophic illness. They were left then, Representative PINGREE, with $18,000 worth of medical bills. It is a growing dynamic of bankruptcy for our American families. Health care costs are driving families to the edge with bankruptcy.

We are also in need of reform that will make certain that there is no dropping your coverage simply because you become ill. That has been a game that has been played on our health care consumers in this country. It needs to stop. Our conference, our House, wants to make certain that those are some of the conditions that are brought about in the insurance reform.

The refusal to renew coverage if you become ill is another obstacle in the way of providing universal health care coverage.

Obviously, a big dynamic is changing jobs, perhaps starting up a small business on one's own. Oftentimes, they are not allowed to happen out there simply because of the concern for the portability of insurance coverage. Many are losing their jobs, and so 14,000 per day, if not more, are losing health care insurance because of the loss of a job. The list goes on and on. Making certain that there are no co-pays for prevention and wellness programs, these are concepts that are sound insurance reforms that can strengthen the system.

Those who want to provide this message of doom and gloom and who want to use fear tactics are only taking us off track of what ought to be a very focused discussion on what needs to happen, because most world-leading nations offer a tremendous health care policy, and this country is in need of that reform. We have been talking about it for decades. Now is the time for action.

Ms. PINGREE of Maine. Will the gentleman yield?

I just want to weigh in with a couple of thoughts about that. You're going through the litany of why we think it's so important to reform the insurance market, and so many of the things that you talk about are, again, the very things that I hear about from people. The issue I heard someone say the other day was ''job loss.'' Job lock. You know, people will say to me, I am ready to start my own business, but I don't dare leave my job because I can't go without the safety net, and I certainly couldn't afford to pay for these health care costs at this moment in time.

I want to read you a little bit that I heard from a constituent recently, someone from York County, which is the southern part of my district, who told the story that very much echoes what you were just talking about.

He was self-employed. He had a business he'd been doing for 10 years. His wife worked for a small nonprofit, and the nonprofit wasn't able to afford her health care coverage, so they did what a lot of people do, I find. They went to Anthem, which is the insurance company that we've been talking a lot about in my State, and their family of three—they have a 2-year-old daughter now—got an insurance policy that cost them $400 a month, but it also had a $15,000 deductible.

Now, I hear about so many people who have this $15,000 in their deductible. It's really just kind of insurance for keeping your home. As you mentioned, it will keep you from going to bankruptcy court.

So their $15,000 deductible actually amounted to a $30,000 deductible for their family. Basically, they just hoped that nothing would ever happen, because they didn't have the cash to pay the $15,000 or $30,000 in medical bills that they'd have to pay to get up to their deductible.

He told a story about how, when his daughter was born—their newborn baby—there were some complications, so they thought, well, at least we've got this insurance because, as we know, infant bills in the hospital can go very high if you have to be in the neonatal unit or anything else. Well, it turned out that his wife and daughter both had some medical issues, and they had gotten a specific rider when they'd gotten the health care plan, but it turned out that it only covered their daughter and not his wife. By the time they brought their baby home, they were $15,000 in the hole because of issues that had come up with his wife during childbirth, so they had to take money out of their 401(k), and they had to borrow money on their credit card. They are just hoping that nothing else happens because they'd have to still pay another $15,000 in their deductible.

Well, that's a great example of people who think they have health care coverage. They thought they got a special rider to make sure that pregnancy, childbirth—everything—was covered. It turned out it really wasn't there when they needed it. I don't know about you, but I hear about so many different people who go to look at their insurance policies and realize that there are all kinds of hidden issues or their insurance companies just say, ''Sorry. We don't cover you.'' That's just something we have to stop.

Mr. TONKO. Absolutely, there is a confusion that exists out there, even with a lack of standardized forms, which is another tool that's used. So there is this confusion.

There is this, I believe, deliberate attempt to make certain that there is a winner in this equation, and it certainly isn't the health care consumer. So many have been concerned about government standing between the patient and the doctor when, in fact, what we have today is the insurance company standing between patient and doctor, where they are limiting. That's why we're asking for reforms here which do not allow for cost caps on what insurance companies are required to cover. We don't want them to be stingy when it comes to providing the health care, especially in prevention and wellness modes, which are so very absolutely essential.

There are out-of-pocket expenses. You talked, Representative PINGREE, about the deductibles that this family in Maine had to absorb. We don't want that unlimited in nature. We want caps on what is required of our families out there—our working families across America—and we certainly want to make certain that the co-pays, especially in catastrophic situations, are capped for individuals and families. This is a great bit of service that we can provide.

These whole trite sayings that we're bringing in a Halloween response and

all of these individual statements that don't really get to the heart of the matter are disheartening. It's discouraging that there isn't that academic exchange here.

Where is the counteroffer in this House? We have had plans out there for months. We've been talking about things, bringing them to hearing, having forums across the country. There is no alternative that's being offered. Maybe we heard things about status quo and leaving it as it is. Well, we even offer a capitalist model. We offer competition in an exchange that's developed in our bill to make certain that there is the hardiness of a robust, competitive model that is, I think, ''all American'' in its keeping.

□ 2030

Ms. PINGREE of Maine. Absolutely. That is why we are here tonight really to be able to engage in this robust public debate.

Mr. TONKO. To dispel some of the myths and to cast aside the misinformation. The American public deserves better than that.

Ms. PINGREE of Maine. Absolutely. I think first and foremost to be talking about the real issues.

We are also joined tonight by another freshman colleague, Representative JARED POLIS from Boulder, Colorado.

Mr. POLIS. I thank my colleagues from Maine and New York. I was listening to your discussion, and it struck me how many of us, yourselves included, other Members, not only of the newly elected freshman class—but other Members of Congress—had town halls, listened to our constituents. We, in fact, heard some good ideas from folks back home, and I think we are working to incorporate those into the newer versions of the bill.

One that a number of folks brought up in my meetings, and I know I wasn't alone, is why don't we encourage some interstate competition. I know that there are certain concerns that some of my colleagues have addressed about that with regards to how that might affect certain States, but there are ways that we can encourage, not create one level of Federal standards, but encourage States to enter interstate compacts to reduce the barriers of entry and bring down insurance costs.

The other thing I was struck by, and this has also been alluded to, was the ill will on the other side. Rather than trying to get to ''yes,'' it would seem like there are many in our country that are trying to stay at ''no,'' trying to stay at a ''no'' that is too costly, both in lives and money for our Nation to endure. There is plenty of room, as demonstrated, as again my colleague from Maine indicated, by her Senator today, in coming to the table, around common solutions that Republicans and Democrats can agree on. But it's critical that we approach this issue with the goal of getting to ''yes.''

Another thing, when I had people, just like other Members of Congress at our town hall meetings—and many of them were so vociferously opposed to any reform, many of them were for any reform and some of them were in the middle. The one thing I tried to leave the people that were opposed to reform with was if you are going to oppose this set of health care reforms, fine, but please oppose it based on something that's in it versus something that's not in it. Because how frustrating is it to have to deal with mischaracterizations and, indeed, lies about the actual content of the bills that we are debating.

With regard to whether, in fact, there are Federal subsidies that go to our undocumented population. No, there aren't. There is not even room for discussion there. I, personally, would like us to do more for our undocumented population in this bill. We are not. We are going to deal with that through comprehensive immigration reform, which I am a strong supporter of, next year.

With regard to death panels, there are none in this bill. I have constituents contacting me. They have heard these things on right-wing Web sites. They have had people email them to them.

I had one contact me yesterday saying the government is going to send people to my home to look at my kids, because they had a complete misreading of some part of the bill that had to do with funding for State pilot projects for home visitation, for people who want home visitation to help them with their health issues. This is information out there that is really not a credit to this honest public discourse and debate, which my colleague from New York alluded to, which is critical to have to come to a solution with regards to reducing costs and improving health care outcomes.

I am optimistic. The signs out of the Senate today are that this is truly officially, not only in name, but, indeed a bipartisan effort, as it should be, something of this magnitude. We are taking our time, and we are doing it right. We are 4 or 5 months into a debate that will take another month or two to reach culmination. Again, there is no veracity in people saying this is being rushed through in any way, shape or form.

I told my, again, constituents in Colorado our United States Congress has spent more time on health care reform than our legislature of Colorado meets for an entire year. They meet for about 4½ months to consider every single issue that the State of Colorado faces. Our United States Congress, and many of us who come to Congress from a wide variety of disciplines, have had the time to become experts in health care.

That's something that we owe our constituents. I certainly know a lot more about health care than when I first got here. I had been expert in education, had run schools, been on a school board. I had started businesses, knew a lot about the business side. As a consumer I knew about health care. I had been on the board of a nonprofit relating to health care in Colorado.

But to get down into the weeds and have this historic once-in-a-generation opportunity to make a real difference in the lives of Americans is what public service is all about. That's why I join you in being excited about this tremendous opportunity that's before us at this point.

Ms. PINGREE of Maine. I am pleased to see that we are joined by our colleague from Wisconsin, Representative and doctor, if I am correct, STEVE KAGEN.

Mr. KAGEN. Well, it's a great honor to join you here on the floor to talk about health care and about making progress, making progress where for nearly a century, since 1910 when Teddy Roosevelt first suggested the idea that we should have some kind of national solution for health care, we are finally taking up this conversation.

As Mr. POLIS mentioned, this is the most important conversation we are going to have this century. So we are taking our time. We are going to get it right. We are going to fix what's broken; we are going to improve on what we already have and make sure it's at a price we can all afford to pay. Where I come from, having practiced medicine for 33 years, I am always focused on the patient, much like we are all focused on our constituents. And you can imagine how I felt when my patients couldn't afford their prescription drugs.

Now, what good is it to be a doctor if you are writing a prescription that the patient can't handle financially? What's wrong with a system where we continue to allow the Wall Street corporations that run health care today to discriminate against people because of the way they are born or because of a preexisting medical illness?

I will submit to the jury, if you were a jury, this little piece of evidence: I won't mention the insurance company, blank has great news for people who buy their own health insurance. They have got something for you, all right.

But then on the inside, I am going to read it into the RECORD: ''Important information about preexisting conditions. Although we make every effort to extend coverage to all applicants, not everyone will qualify. If you have had treatment for any of the following conditions, you may not qualify for the coverage being offered: AIDS/HIV, alcohol or drug dependence, cancer, chronic obstructive pulmonary disease (COPD), connective tissue disorder, Crohn's disease, diabetes, emphysema, heart attacks or stroke, hepatitis (chronic) or liver disease, inpatient emotional or mental illness, organ or tissue transplant, ulcerative colitis.''

It goes on to say: ''You should also be aware that we may not be able to provide coverage to individuals who are severely obese, severely underweight or who are undergoing or awaiting results

of diagnostic tests, treatments, surgeries, biopsies or lab work. We cannot offer coverage to expectant parents or children less than 2 months old.''

And here the closing sentence: ''This list is not all inclusive; other conditions may apply.''

I am so proud to be working with the President who understands that this form of discrimination has got to come to an end. That is why in the House bill and every version we have seen, that is why in every Senate bill, there is the language that will bring an end to this form of discrimination.

What we are about to do is very historic. We are going to apply our civil rights that we fought so hard for in the 1960s to the health care industry. No longer will any kind of Wall Street corporation be allowed to discriminate against people, not because of the color of their skin, but because of the chemistry of their skin. Not because of what they are thinking, nor on the basis of how they think, the chemistry of their mind.

In my mind, bringing about no discrimination in the health insurance industry, in health care throughout this country will transform our economy, because it will begin to lower prices for everybody, making it possible for small business, the real economic engines of America, to employ people to be more profitable and to move our economy out of this economic ditch we find ourselves in. But there are three things that must be in this bill, number one is no discrimination against any citizen due to preexisting medical conditions. If you are a citizen, you have to be in the risk pool. You have to be in your neighborhood.

Secondly, there should be complete transparency of all prices in health care. Openly disclose all the prices at the hospital from the insurance coverage, openly disclose the prices at the doctor, the dentist, anything that's health care related, be it a product or a service. Show me the price. Please openly disclose your price and then accept from anybody at your store as payment in full the lowest price you charged and accepted as payment from anybody else. The lowest price should become everybody's price.

The third thing that we need—and hopefully it will be in this next version that we are going to see shortly we have to establish a standard health care plan—a standard plan such that Humana, United, CIGNA, Aetna, Blue Cross, WellPoint, whatever point, whatever insurance company are you are, when you are selling the same basic standard plan within a very large risk pool, you have to show me your price, and we will begin to have competition where insurance companies are going to compete to the lowest price and the highest quality.

We will finally be able to compare these corporations, apples to apples. That's the moment I think we will really see the benefits that we need. Improve the quality at a lower cost. No discrimination, complete, complete openness in transparency and pricing and a standard plan.

I think we are making progress; I don't think we are there yet. I think we are going to make that progress and, in my limited experience as a Congressman, more so as a physician, this place doesn't work well when it happens very fast.

I am very pleased that we are taking our time to get it right. I look forward to finding Republicans, Independents, Democrats, and, yes, the Libertarian people that are here in this House to vote for a bill that moves us down the road.

Ms. PINGREE of Maine. It's wonderful to have both your experience as a physician and also your experience in the House in moving forward on these issues. I know you have been working very hard.

I just want to mention that we are also joined here tonight by MARY JO KILROY from Ohio, who is another new member of the House. Being from Ohio, I know you must have a lot of constituents who are worried about economic issues and jobs and making sure that they have that all-important insurance coverage and are able to keep their jobs to have it.

Ms. KILROY. I appreciate this opportunity and thank you for your leadership in bringing us together tonight to talk about how health care issues affects our districts and what we are going to do about it. I have heard some of my colleagues, Representative POLIS, talk about people being concerned that we are rushing this through. I think we have been taking quite a bit of time, dedicating hours and hours of time in committee hearings, in caucus meetings, in markups, on this issue of health care.

In my case, in my own district, I have been holding health care meetings, round tables, discussion groups, getting input from my constituents since February. Every time I go back to the district, meeting with doctors, meeting with nurses, other kinds of health care professionals, talking to school nurses, talking to small business and holding the small business round table about what they are going through with respect to health care, and it's very clear to me that this is an issue that needs attention. It's a problem, but it's also a problem we can solve, we can solve working together.

I also, listening to Dr. KAGEN on the issue of preexisting condition, couldn't agree with him more. Many of the stories that I have heard at those various health care meetings and round tables involve people with preexisting conditions, and there is this misconception that young people don't get sick. It's only the older people who are the ones that really use health care. But I discovered at several of these round table meetings situations where young women, in this case, had received diagnoses of cancer. Because they were self-employed, because they were between jobs, they found that they were excluded from the health care system.

As a mother, I can't think of anything more terrifying than to have your daughter come home telling you that and knowing that they didn't have health care and how were you going to make sure that she got the care that she needs. It's a story that I hear time and time again.

A small restaurant owner, whose wife has lupus and that the insurance companies have priced their small group out of his ability to pay. As a result he was losing one of his key employees to somebody else who could get health care for her.

□ 2045

Another small businessperson who had had a heart attack, this person is a little bit older than the young woman I talked about, but his small business was hurting. Because of that experience they have been rated so high that they are having a harder and harder time paying for health insurance for himself, his family and his employees. It is a critical issue in my community, and we can address this key issue of ending discrimination against people with preexisting conditions.

It is not just these stories, these experiences that people have told me about. I have also heard it from our Department of Insurance commissioner. She tells me that in the State of Ohio, she has got a single-spaced list, three columns, three pages long, of various conditions that the insurance companies have used to deny Ohioans coverage based on a preexisting condition. Some of them you have heard from, Dr. KAGEN, but some of them are also pretty absurd.

For example, acne was on that list. And today, if you saw some of the news on television, you saw a baby that looks like the stereotypical Gerber baby, in the 90th percentile on height and weight, excluded from health care because the insurance company decided that this baby, this perfectly healthy baby, had a preexisting condition. They determined that that baby was, quote-unquote, obese. The absurdities that the health care industry has used to exclude coverage from people who use it, who need it, is why we have health care.

This is a very personal issue. If I were to not work here in a situation where there was group coverage that I could buy and pay for on an exchange like we have here in Congress, whether I left this job voluntarily or involuntarily, I don't think I could go into the private market and buy an insurance policy for myself, because I have a preexisting condition called multiple sclerosis.

So there are so many people and many women, men also, who are excluded for this problem, and now we find out it is even babies. So we could fix this.

Mr. TONKO. Representative PINGREE, I can't help but wonder if that isn't the

most classic and bold example of cherry picking. When I listened to Representative KAGEN list that number of conditions, preexisting conditions, it excludes a great part of the populace out there. The time for these games is over.

We talk about so many of the people that might be impacted by these preexisting conditions, from toddlers, over to middle age, and yes, even to our seniors.

When I was in the State assembly in New York State for 25 years, for the longest time I represented the largest per capita senior population of any assembly district of the 150 in New York State, so I would hear routinely from seniors. I hear from those same seniors now in this congressional district, and there is concern. There is concern about where their future is going with health care reform.

Well, let me remind all of our seniors out there, this whole process here in the House is about providing stability to Medicare. That is an audience that is critically valuable to this country, people who worked through their lifetimes and now deserve—I think it is an American right—quality health care.

When people talk about fear tactics, telling people that your Medicare coverage is going to be weakened, let me remind everybody that the cuts in Medicare were up to 21 percent for next year for our medical community. This bill stops that. Our bill, our final package, will stop that sort of cut. Those payments to physicians would have put the doctor-patient relationship at risk. It would have reduced accessibility for our Nation's seniors. We will avoid that cut. We will provide stability by addressing the solvency of the trust fund for Medicare.

We will go forward and close that doughnut hole. No one, these critics about this process, about the proposals that we have put forth to the American public, the critics that are there now, especially in the political arena, where were they when we played games with the pharmaceutical industry and created a doughnut hole where coverage stopped automatically and then resumed later after we have again impacted financially our senior population?

You talk to seniors, many of them naturally are in need of medications, of pharmaceutical requirements. Why we would exhaust them financially for that basic core need of health care is beyond me. No one talked about that pricetag. No one talked about the billions of dollars we were going to cost the public and what we paid to the industries to do that.

So there is a chance here to turn that around and close that doughnut hole. I don't know what we are going to call it. A jelly donut? We fill it with good, you know, so that people can then have the kind of health care and the pharmaceutical needs will be addressed. That is a basic stability enhancement that is provided with this measure.

Avoiding the 21 percent cuts to physicians is an enhancement. Making certain that we provide these new models for efficiency; effective use of dollars; making certain that home models, medical home models, can be utilized, these are good concepts. And we want to go forward with the sounder Medicare situation, especially with the coming of the baby boomer generation. Everyone has talked about that. We need to make that part of our plan. It is part of our plan, where we provide stability and solvency for Medicare.

Ms. PINGREE of Maine. I want to give a few minutes to my colleague from Colorado, but in making this transition I just want to say when we stand around and talk about the possibilities when people share their individual stories like Representative KILROY has here, I get very excited thinking about the prospects here.

You mentioned it earlier. Sometimes we are bombarded from the other side and the talk show hosts and everyone else who just try to use scare tactics, build up fear in our constituents and seniors and others. But I get excited when I think about, wow, we could really reform the system. We could do something around access to health care that people have been talking about doing for decades, and this could be the Congress that really starts making those steps forward.

I think that is why we are all standing here tonight and working so hard on this, because we see the possibilities here of really changing people's lives and ending some of these ridiculous stories that we have been hearing.

Mr. POLIS. To build upon what Representative KILROY and Representative KAGEN said with regard to the critical nature of preventing discrimination based on preexisting conditions and exclusions based on preexisting conditions, it is important for those watching us today to know that that is in all four bills—sorry, all five bills. There are five health care bills; two in the Senate, both of which have cleared committee, and three in the House, all of which have cleared committee.

Every single bill, any of the health care reform proposals that is at all consistent with President Obama's principles and our principles here in the House as well as the other body would make that basic major change, that no longer would people be excluded based on preexisting conditions or would those conditions be excluded.

I applaud Representative KILROY for sharing her very powerful personal story. It is a personal story that is all too common. Later on tonight, in about an hour and a half, I will be sharing a couple-dozen personal stories from Colorado with members of the public with regard to the travails that many of my constituents have had with the health care system, many of which relate to discrimination based on preexisting conditions.

Representative KILROY also discussed briefly small business. One of the most important things that we can do to make small business competitive in this country is to reform health care. The brunt of our health care system falls on small business. Frequently for the same coverage, they pay more than large businesses. If they have somebody in a small risk pool who has a problem or has a preexisting condition, they might be paying three or four times as much even for their healthy employees because of their small risk pool.

We are joined today in the House gallery by a small businessman from my congressional district. Mr. Wayland Lewis, who is with us here today, runs a small online publishing company. What a difference affordable health care would make to him and the countless small business people like him across the country that are the backbone of the American free enterprise system, for them to have access to exchanges, the same way we here in Congress do, the same way that big multinational corporations do, one large risk pool, no discrimination based on the preexisting conditions in a small risk pool, and also some tax credits, by the way, for providing health care for their employees. What a difference that would make and what a job-creation engine in this time of recession, to have that vote of confidence in our small businesses and allow them to do what they know is right.

When I talk to small business people in my district that don't provide insurance, it is not because they don't want to. It is not because they don't feel they could be more competitive in attracting employees if they did. It is because they simply can't afford to under the status quo. That is one of the major tenets of this reform: Making America healthier, costing less, and, yes, providing the same kinds of advantages for small and medium-sized businesses that big multinational corporations have had all along, and being able to offer health care and security for the families that work for them.

Ms. PINGREE of Maine. Thank you for your thoughts.

We are lucky to be joined freshly off the podium by our colleague from Pennsylvania, Representative DAHLKEMPER, who I know has been working very hard on this issue in a variety of ways.

Mrs. DAHLKEMPER. Thank you, Representative PINGREE, for allowing me to join you and my other colleagues here tonight as a fellow freshman. This is certainly an historic time for us to be new Members of Congress, as I think we are working on probably the most important piece of legislation that we will probably ever take up within our time here in Congress, something that touches every American, something that touches every one of the constituents in our districts.

I, like so many of you, spent my entire August going out and talking to my constituents. We, as the freshmen, were actually a pretty strong group

that slowed down the vote on this bill. So when people say that we are rushing this legislation, I say, no, we actually slowed it down quite significantly. But I think that was great, because it gave us time to read the bill, really understand the bill, and, as Representative POLIS said, learn more about health care. We all have learned a lot over these number of months as we have been here together day after day talking about health care.

When I talk about health care reform, when I am out in my district, I talk about the fact that it is really a human story, and we all have our stories. One of the most poignant for me was a gentleman who came up to me, actually as I was on one of my congressional bike-and-hikes, because I like to really talk a lot about wellness and prevention, so I am trying to promote that by promoting the great resources in my region, bike paths and hiking areas. So we do these bike-and-hikes.

He came up to me on his bike and said that health care was his number one issue. I asked him to explain to me, and he told me about the great health care insurance he had with his company. He worked for a very large corporation. But his daughter, when she was 20 and she was in college, she was diagnosed with acute myeloid leukemia.

The treatment for that is very harsh. You end up being put into intensive care, and it really debilitates you as you go through this series of chemotherapy treatments. She had to drop out of college. And guess what happened as soon as she dropped out of college? She was removed from their insurance.

So this is the kind of thing that we see over and over again. That is just one of many, many stories that I have heard, and I know all of you have heard.

Today actually it was announced we are putting a provision in this health care reform where young people through 26 years, up to their 27th birthday, will be able to stay on their parents' health care coverage if they don't have another opportunity, if they don't work for a company that offers coverage. As we know, many young people in those early years, whether they are going to school, when they get out of school, don't get that first job that offers coverage, or can't find a job right now, as we know many of them can't, or maybe have other things that they want to pursue. It allows them to stay on their parents' coverage up to their 27th birthday. I think that is a great piece.

When I was done with the press conference about this, one of the cameramen who had been there told me that was the best thing he had heard in all the years he had been covering the news here at the Capitol, because he has a son who works for a very large corporation, 19 years old, done with school, who did not have health care coverage. He was walking across the street and got hit by a bus, and just the cost that this has been to the family of this young man.

So we are still working on this bill, and I think that is important for the American people to know, that we are continuing to work on this bill, to make it better every day so that when it comes to the House floor and we go to vote on this, we are going to be making such significant changes for this country, significant changes for these young people, who, as we know, 31 percent of them are uninsured, those in their twenties. We are going to be making significant changes for our seniors who are going to have their preventative services, for example, covered with no copay. We are going to be making significant changes for our small businesses, and as a small business owner, I know how important this reform is.

In Pennsylvania, my State, only 51 percent of our small businesses cover their employees with health care coverage, and that is because they can't afford it. As Representative POLIS said, it is not because they don't want to do it; it is because they can't afford the increased costs.

So I want to thank you for letting me join you tonight and talk about this very important issue that we are continuing to debate and move forward really for the future of this country. I am just proud to be down here right now and proud to be with all of you serving and making this happen here.

Ms. PINGREE of Maine. Thank you for adding your thoughts. Certainly those are themes that we hear about a lot. One is this important point that every single day in this Congress there are people working on one or another aspect of this bill, trying to put together all of the good ideas, trying to make sure that we come to some form of consensus over the variety of opinions.

But your mention of the issue of young people who don't have coverage is a story that we all hear about often, and many of us who had our own children in their twenties have known that tragic moment when they turn 23 or they end college and they are no longer covered by your plan. And, as you said, in today's job market, many young people don't have coverage or work for a company that doesn't find themselves in a position to cover them. So it is increasingly an important issue, and one I think the people are trying so hard to work on.

Also this issue that others have already brought up tonight, I am also a small business owner, and the cost of coverage—I heard a statistic in the State of Maine that the average cost of covering your employees is about equal to the profit you make in your small business. And that is lucky for some small businesses, if they can even make as much profit as they are paying out every year in employee coverage.

As you mentioned, it is important to make sure you cover your employees. Many companies can't afford it, and often you lose employees to somewhere else where they can go to get that coverage. So you might have a great worker, and you may lose them if you don't find a way to keep them covered, which is getting near to impossible with the rising cost of insurance, as we have talked about many times.

□ 2100

And I often think about my own State. We're 38th in per capita income. The economy is struggling. Our unemployment rate is right up there with a lot of other States in this country, and we're just hoping that we can start to bring it down. But the fact is, if we could pass universal access to health care coverage, it would be the single biggest change to my State's economy and I certainly think this country's economy.

Mr. TONKO. Representative PINGREE, I think that obviously there is a lot of discussion and a lot of focus on the cost. I think across the country, 15 years ago 61 percent of our small businesses provided employer-based health care. That's somewhere below 38 percent now. We hear the average cost of a family plan might be 12,000, 13,000, sometimes rising to 14,000, and people have seen record profits in the industry.

We've seen and heard about the insensitivities here this evening anecdotally from various Members. You know, Representative DAHLKEMPER, Representative KILROY, and yourself have all talked about these information tidbits that come our way. But I think what really struck me this weekend was the report that was released by America's health insurance plans, where they actually worked out a study, a report, commissioned a report, and they overstated the impact of the Senate finance bill that was voted upon today to overstate the impact on America's families of that plan. That's one solution that's out there. And I found it interesting that the firm that they hired to do the study actually backed away from the report because they said they fragmented it so. They asked them to do just tidbits, portions of that whole bill and then use that to calculate the impact.

So it shows us, it tells us something that we're on to wringing the cost, the excess cost and the inefficiencies out of the system to the point where it's driving corporate greed to now respond in a way that's manufacturing these price tags that are, again, scare tactics to get us off of just and honest debate. And I think that that needs to be shared with the American public. The tax foundation came out with a plan, a review that said that our health care bill will save families, average working middle class families, $1,900 per year.

Now, when they came up with this other study, when they fragmented it out, they didn't allow for the calculation of savings, corresponding savings

that are part of the overall huge package of reform. And so it was, again, disingenuous. It was unfair to put something like that out there. But it does tell me, in very bold and noble terms, that there's fear out there that finally there may be a balancing of the scales, where the public will get their shot at good health care insurance reform and not at the expense of greed that has been allowed to run rampant, I think, for a long time.

Ms. PINGREE of Maine. I just want to bring up one tidbit, and then I know that my colleague from Ohio has a couple of things to say. But when I first came to the floor tonight, I was talking a little bit about Anthem in our State which is actually owned by WellPoint. And I don't want to make any particular insurance company the villain, but often we're told, you know, why don't you just leave the system alone, yet day after day we hear about insurance companies that cancel your insurance and a variety of other things. And I had just been mentioning a case that's going on in the State of Maine.

Maine was asked by Anthem for an 18.5 percent rate increase, and the State said no, something about 11 percent might be more moderate, just trying to hold down the cost for small business and individuals. Well, Anthem immediately sued the State and said they needed that full amount to earn a reasonable profit. Of course, WellPoint last year earned $2 billion and paid $1 million in bonuses to many of their executives in our State.

So you've got the people in our State, 38th in per capita income, many of whom have recently lost their jobs, saying, Wait a minute. I can't afford this increase, yet I can't afford to be without health care coverage. And here's a company that earned $2 billion last year telling me they can't live without making more in profit.

Well, this system just doesn't seem to make any sense to me. I mean, it's one thing when you're talking about making Rolls-Royces or fancy diamond rings. Maybe you deserve to make exorbitant profits, and we don't need to meddle in the economic system there. But this is about basic health care coverage for individuals, and that's really what we're charged here to do—make sure that everybody, whatever their condition, whatever their age, has that kind of health care coverage.

And I have to really hand it to our Attorney General, Janet Mills. She was on CNN the other day talking about how we're going to fight this. We're not going to take this, and, you know, that's not a position our State should have to be in. That's not a position individuals should have to be in, you know, just to get their basic health care coverage.

Ms. KILROY. Well, Representative PINGREE, I agree with you. And I think what you heard from Representative TONKO and what you've pointed to, but what Representative TONKO was talking about the public relations offensive that the health care insurance industry launched today is another example the kind of fear tactics that have been used all summer long regarding this health care debate. This is the latest example of it, that it's going to cost you more money somehow or other.

But we can hold down health care costs with this bill, and I think the best way to do that is to have a robust public option to get competition so the Anthems or the WellPoints or the UnitedHealthcares or whoever have something to compete against and that we, as consumers, have something that we can go to instead of one of the expensive health care plans that use these scare tactics, that raise rates, double-digit inflation year after year after year, while making the kind of profits that you were talking about, and yet millions of people in this country doing without basic medical care, medical needs. We need to stand up to that.

Mr. TONKO. And I think, Representative PINGREE, I think when we heard Representative KAGEN, Dr. KAGEN speaking about a standard, basic package that would be required if you want to participate in the exchange, how about, you know, the medical loss ratio that has dwindled over 15 years from 95 percent return of all premiums collected going back for health care purposes to now something below 85 percent, below 80 percent, perhaps. That is unacceptable.

So the standards that we establish, you know, having this medical loss ratio defined, if you want to participate, basic core package, if you want to participate, hey, this is open to any and all. Government sets up the exchange. It stays out of that. The public option will have to sustain its own entity by its premiums. It will have to maintain a reserve. That is not what I would call unfair competition. They're all going to be operating under the same guidelines. And when we sharpen that pencil by requiring a robust public option, it drives the bottom line benefit for the consumer.

We talk about small business and impacts and the future forecast and projections on insurance, today I think of some 430 billion that is the price tag paid by small business for health care provided by the employer. In 9 short years, absent nothing, that is supposed to go to $880 billion. This is a train wreck waiting to happen. And when you hear the options, when you hear status quo is the option that we should exercise, when you hear let's keep the system but provide more tax benefits so that employers can afford this, how much more is government going to write in terms of checks to keep this system going that is sweeping upward in a curve? We're not containing the costs at all.

So this measure, to Representative KILROY's comment, is an important way to contain costs, to Representative DAHLKEMPER's statement of wellness and prevention, by not allowing for copayments on those elements of the plan, that's an important bit of progress. And so I challenge anyone, come in here, talk facts not fiction. Come in here with sensitivity, not insensitivity, and let's really put this package together. It's a work in progress. It's been tremendous.

I'm seeing the benefits that the freshmen class has brought to this discussion. I think it's uncluttered thinking. We've brought the debate into, I think, a really good setting so that we can move forward by adding our voices to this effort, and it's really a pleasure to work with my freshmen class.

Ms. PINGREE of Maine. Well, thank you so much for being here. I know our hour is getting close to ending, and I appreciate your characterizing our thinking as uncluttered. I have to say sometimes at night, even the freshmen start to clutter up a little bit.

But I know, Representative DAHLKEMPER, you've done a lot of work around this wellness initiative, and that's something that I hear about really across the board from people who think that's a great way to hold down costs in health care. Many of the businesses in my State that have adopted wellness programs have really seen cost reductions, and I know you can speak to this.

Mrs. DAHLKEMPER. If the gentlelady would yield, I think that wellness and prevention is such a large component of this bill, and that is something I don't think we talk enough about. And really, as we look, people say to me, well, everyone can get health care in this country. They just go to the emergency room. Well, the emergency room is illness care. It's not health care. And what we're trying to do with this bill is actually go back to treating wellness and to treating health, not just treating illness, which is really what so many people in our country have to live with. They just wait until they're so sick they have to show up at the emergency room.

And just on that point, I just wanted to make one other comment about a subject that I don't even hear talked about that much. But the largest hospital in my district told me that they had budgeted $30 million for charity care this year. It's going to be at least 50 million. There is no way that they can sustain this year after year after year. So that's just another piece to this entire issue that we don't talk about that often, but our providers are having trouble, along with our businesses and, certainly, along with individuals.

So we do have a great wellness piece. We've been working on putting more wellness pieces into this bill. Again, we're continuing to work on this. We're looking at grants to go to communities to bring stakeholders together, to bring government and schools and the providers and businesses to work on things such as childhood obesity, which we know is an epidemic in this country.

So there are still a lot of good things being worked on. This bill gets better and better by the day, and I believe we, again, are at a historic point here and we are going to be able to just provide stability and security to this country in terms of our health care. And, to me, we have to continue to sharpen our pencils, as Representative TONKO says, and continue to find ways to save with this bill and also to provide even better care for citizens of all ages.

Ms. PINGREE of Maine. Absolutely.

Representative KILROY, were you hoping to squeeze in a few last words?

Ms. KILROY. Well, I think this bill is an opportunity for us to make health care affordable for all Americans, including seniors who've been made to fear this bill. As Representative TONKO said earlier, helping them by closing the Medicare doughnut hole, helping them by eliminating copays for preventative services and testing and helping to make sure that there are lots of Medicare providers out there, because we are stabilizing the payment schedule for those providers.

This bill will help us by shifting the emphasis more onto prevention and wellness, the way Representative DAHLKEMPER talked about putting more emphasis on primary care and doing that by shifting the way some of the payments are set up so that primary care doctors are paid for what they do so well, for counseling, for listening, for taking that history and helping keeping us well and treating those concerns that we all have from time to time.

This bill will help us contain costs, help small and large business, help people who are without insurance and help people with insurance. And as Americans, this is an American plan. It's very important. It will continue to give us a choice of doctors and plans. So this is a huge achievement if we can get this bill passed. It is a great time to be in Congress, be a part of this wonderful discussion and deliberations and, I hope, eventually final passage of a bill that will do so much for so many people in our country.

Ms. PINGREE of Maine. Representative TONKO, any last words?

Mr. TONKO. Just a quick statement. I know we're running to the end of our hour.

Representative DAHLKEMPER talked about the concern at her local hospital. Across the board, hospitals are concerned, and uncompensated care is at somewhere between $57 and $58 billion a year. There's a savings immediately when we put together quality health care programs that are affordable, accessible, where we're providing universal health care. It's just a reasonable thing to do, and most importantly, it's the compassionate thing to do. Sometimes that gets lost in the discussion.

There's this moral compass for America that we need to engage and we obviously are very proud to support what is the correct thing to do, and we have that responsibility here to enable all families in this country to have access and to be able to afford quality health care.

Thank you so much for bringing us together, Representative PINGREE.

Ms. PINGREE of Maine. Well, thank you to all my colleagues for being here tonight. You're absolutely right. We've talked about a variety of issues, and I want to just end on the same note that you did. This is what is right about being an American and what we're all proud to be working on, even if it takes a few long hours and a lot of tussling back and forth, but we're all grateful to be here and actually to have this opportunity.

□ 2115

RESTORING THE RULE OF LAW

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, it's the first day of a new work week here, and we're going to talk about restoring the rule of law.

You know, we've talked about this now for about 14 weeks. It's so important that we talk about the rule of law because, quite frankly, it's what keeps our society together. It's what makes us different from anybody else and what makes America different from everybody else. And, you know, it's so simple that we take it for granted.

Every American that—I'll bet you can stop anybody on the street and ask them about their rights and they all know what their rights are because they're Americans and they know they have rights. But what does it mean to have rights? Well, what it means is you have a place, you have a set of rules that establishes your rights.

Now, our Constitution says certain rights are inalienable and given by your Creator. That means that all men are born with those rights. These are rights of liberty and freedom. When we had the Declaration of Independence from Great Britain, that's what we were talking about. You're born with these rights. These are the rights of free men everywhere. They are inalienable. They are given by the great Creator of the universe.

But everybody also knows I've got a right to free speech, I've got a right to assembly, I've got a right to a lawyer. And at all ages you can say, That's my right. That's my right. It is your right, but it becomes your right because it is enforceable, and that means that we have established a set of rules that our society operates under. And under those rules, there's a set of rules that's usually in the courts that enforce your rights, protect your rights.

You know, for 20 years I tried criminal cases and other cases, and we spend most of our time, at least the judges that sit in these court cases, we spend our time making sure people's rights are protected. And we have a whole series of cases that establish rights of criminal cases. Enough of you have watched television to know a lot about—we're some of the most educated, nonlawyers in the country, the folks who watch television in the United States, because we know about Miranda rights. So we know about other rights. In other countries maybe they don't know about them. Now, why wouldn't they know about them? Because they don't have them, okay. That's it. They don't have them.

And there are places on this Earth, and most of them are in Third World countries, where the rule of law does not prevail, where the average citizen doesn't have a place to go get recourse, recourse for injury that's happened to them in some form or fashion, a way to enforce a contract.

There are countries full of good people, but they haven't established the rule of law to the extent that the average citizen can protect their little plot of land or protect their little business or make a deal with somebody, a contract, and then when the other side doesn't do it, enforce that contract against them because the rule of law does not prevail. For whatever reason, whether it be history or culture, whatever it is, it doesn't prevail.

And so if a rich person or a wealthy group of people who wanted to go invest in that place or maybe they have a dictatorial system or they have a socialist, communist system that hasn't established a rule of law, so you can't go enforce it.

You know, when Russia first opened up and started working on capitalism, I had a friend who went over there and opened a clothing store. And if he's listening, he knows who I am talking about. And he said the problem was the clothing store was as popular as it could be and everybody wanted to buy American-cut suits, they wanted to look like Americans, prosperous Americans, and he had a booming business; but unfortunately he had to pay cash for everything.

He couldn't make a contract with somebody based on a bill of lading or anything like that at the time because he wasn't sure he'd be able to enforce it if he had to take it to court. He was afraid he would be out on a limb. And, quite honestly, he pointed out the Russians were doing the very best to correct that, and maybe they have. I haven't kept up with it. But it was putting a real strain on his national clothing chain that he tried to take to Russia.

I hope he fixed it. I don't know. I haven't talked to him in years

But the point is at the beginning of the establishment of capitalism in the former Soviet Union, in Russia, the rule of law had not come down to where you could feel comfortable with making contracts with people and believe they could be enforced. And hopefully that's been fixed. I would assume

it has because I had the good pleasure to go to Russia with the Homeland Security Department and, quite frankly, they're doing pretty well over there. Looked like to me, anyway. Lots of stores and lots of prosperous-looking people.

But the glue that holds society together that allows you to trade both inside and outside your country is the rule of law; there are rules and regulations that everybody is a part of, everybody is protected by and required to abide by. That's a basic premise in American society.

Now, we went through a time when there was sort of a 60s rebellion against the establishment, and people would say things like, It's okay to rob from ''the man,'' but you can't rob from the little guy. And ''the man'' was the big guy. Now, nobody really defined who the big guy was. Of course, everybody knew that Coca-Cola was the big guy and Exxon was the big guy and U.S. Steel was the big guy. But was it the neighborhood grocery? Was he the big guy? Well, yeah, maybe if he was big enough, if he had more than two grocery stores.

In other words, somebody was saying it was okay to break the law if somebody was really a lot better off than you were. That was insanity. That was when I was in law school. And we debated all of this in law school. And it was insanity. Because if you've got rules, you've got to abide by the rules; and if you're going to decide you don't like a rule, you're not going to abide by the rule, then you don't get the rule of law. You get anarchy.

Well, the United States Congress has rules. We write those rules down. The first set of rules was written by Thomas Jefferson; and to a great extent, we still follow those rules of decorum and procedure in this House of Representatives by using Thomas Jefferson's manual on this place. Now some of it's been changed and altered. I think most of them are basic fairness, basic honesty, fair treatment for all concerned; and you're supposed to abide by those rules.

We have rules that we run our government by, and those rules, they bind all of us. We have certain forms that we have to file; we have to tell people what our income is. You know, it's a funny world we live in because the American people are generally private about what they make, and it's kind of ''none of your business'' in most families to ask somebody what's your daddy—what kind of salary does your daddy make? What's your husband make? It's kind of a none-of-your-business question.

Unless you're in the public eye. If you're in public life, it's everybody's business what you make. And you're required to report what you make. And if you don't report it, there are penalties for that.

All of these things are some of the stuff we've been talking about.

But I would argue that we have some certain subjects that are really of concern to the American people today, and we've been talking about one pretty consistently, talking about Chairman RANGEL's issues. I am going to move past those for today. They may get mentioned a bit. We're going to talk about some things we talked about in the past, but I think there's a passion for these issues among the American people.

Part of that passion is the man we elected President because he told us, ''I am campaigning on changing Washington and bottom-up politics. I don't want to send the message to the American people that there are two sets of standards: one for the powerful people and one for the ordinary folks who are working every day and paying their taxes.''

So the President set the standard back in February, on February 3 on CNN, 2009. That standard is going to be out there right now. And that's just right. I don't think there's any American that's going to argue with that. That's right, nobody is above the law. Nobody gets to not abide by the rule of law, because the rule of law governs our society; and that's basically what the President is saying. Nobody because of who they are, what office they hold, how much money they've got in the bank should get any other privileges above and beyond what ordinary people get.

Now, we've got some issues tonight. Let me say we're going to talk about a lot of stuff. But several people last week thought we were going to talk about some of that stuff, and one of the things that they wanted to talk about was the czars. Let me be real clear up front. We're going to get to the czars in just a minute. So if anybody's listening that wanted to talk about the czars but thought we weren't talking about it, come on down. We're looking for you.

Just briefly, I'm going to tell you in my opinion one of the things that most people are most upset about is this outfit called ACORN. This outfit was supposed to be a do-good public service, the group that was out there organizing communities and organizing groups so that we could have a better country.

So they got really involved in working on elections last time, and here's some of the results: in Colorado they were charged with voter fraud, multiple counts, with convictions; in Florida, vote fraud, cases are pending; in Michigan, voter fraud, multiple counts with convictions; Minnesota vote fraud, multiple counts with convictions; Missouri, vote and mail fraud, identity theft, multiple counts with convictions; Nevada, vote fraud, multiple counts pending; Ohio, vote fraud, multiple counts with convictions; Pennsylvania, vote fraud, multiple counts with convictions; and the same thing in Washington State.

So this good group has not been doing good things, nor have they been abiding by the rule of law.

Now, we have a bill that's been introduced by Minority Leader JOHN BOEHNER to defund ACORN. And what he's basically saying in this is the American people have looked at this, they've listened to this stuff that's going on, they've watched these videos of these people advising folks about child prostitution and prostitution and so forth, and they've said we've had enough of these people and we darn sure don't want to pay for them. We don't want to pay them to go out and break the law.

And so the fact that they received millions of dollars in Federal funding offends people because they're not following the law.

So JOHN BOEHNER has proposed that no Federal contract, grant, cooperative agreement or any other form of agreement will be awarded or entered into with the organization known as ACORN. No Federal funds will be given to ACORN; no Federal employees may promote ACORN; and that ACORN includes State chapters, organizations with financial stakes in ACORN, and organizations that share directors and employees with ACORN.

And I think this bill is designed to do what the American public is asking for. They're saying it's bad enough these crooks are out there; it's bad enough that they've got these cases pending against them. Of course, they're innocent until proven guilty. But they've been proven guilty here, and here, and here, and here, and here, and here, and here.

□ 2130

They have been found guilty. That's what ''conviction'' means.

Now why in the world would the Federal Government want to fund people who are out committing voter fraud? And that's not just it. Why would we want to fund somebody that would advise people on how to open a house of prostitution using underage girls? Why would we want to fund those people with my taxpayer and your taxpayer dollars? I don't know. I think that Members of this House have a real question about that.

I think this is a good idea and a good bill that has been offered by JOHN BOEHNER. And I think that our leadership of this House, the Democrat leadership, should go forward on this bill. No matter how much these people worked to help their candidates in the last election, now they should say, whoa, wait a minute. And I presume that there was no knowledge that all this was going on. So they should be out front to stop this stuff because it's just not right. It's just not right.

We talked before, and we are going to keep talking, about the fact that ACORN needs to be taken off the Federal Government's money list.

Would the gentlelady from Wyoming like to join us?

Mrs. LUMMIS. I thank the gentleman from Texas for a few moments in this discussion.

We have a great country in that even when the law is absurd, we still obey

the rule of law and spend our time working to change the law. A perfect example of that is a law, the Endangered Species Act, and its current application to a water situation in California where a small fish that is a nongame fish is preventing water from being used to irrigate and grow crops.

Consequently, unemployment in the area where these crops are usually grown is dramatically higher than the rest of the Nation, dramatically higher. And people who normally are working there are in bread lines, the very same people who grow food in California for the rest of this Nation. Consequently, this winter, a lot of fruits and vegetables will be more expensive for those of us all over the United States because we have instead deferred to the rule of law in allowing this water to flow by these fields that are laying fallow and not producing food and not allowing workers to work.

This situation gives us an opportunity to point out the absurd applications of certain laws and the need for there to be exceptions for certain laws. At the same time, we obey those laws regardless of the absurdity. So I compliment the gentleman for pointing out the importance and the history in this country of obeying the rule of law.

When Russia became post-Soviet Russia and was trying to establish institutions, as Iraq is trying to do today—among the most important institutions that they are trying to establish are courts with honest judges, which is something that is very rare around the world, especially in Second and Third World countries. How blessed we are in America to have an honest judiciary and the rule of law. That is to the compliment of many fine Members of this body, but also to the gentleman who is leading this conversation tonight, also a former judge. And I am grateful for the time you have given me to discuss this.

Mr. CARTER. Reclaiming some of my time, I'm glad you brought up the smelt in the San Joaquin Valley, because it's kind of interesting. Until this came up, most people in America probably didn't even know that the San Joaquin Valley is considered the breadbasket of this country. Now here is something interesting. It rained cats and dogs in Texas this week. We were real happy for that rain. But it meant my wife and I stayed indoors one Sunday afternoon because there wasn't anything else to do. And the movie ''Treasure of the Sierra Madre'' with Humphrey Bogart was on television. That movie was made in 1948.

One of the characters in the movie was reminiscing about what they were going to do with their share of the gold. And he said, and it struck me because I have been talking to DEVIN NUNES so much about this tragedy that is going on in the San Joaquin Valley and that whole valley region of California, and this character says, ''I grew up in the San Joaquin Valley, an agricultural region in California, growing fruit. And the happiest days I ever had was right after the harvest, when all the workers got together and celebrated the harvest. And if I get out of here, what I want to do is get me an orchard with my money.''

It struck me, because he was talking about the fact that in 1948 that was a major production region. Now the only way that region could produce anything is with water. It is the desert. I live in the desert. If you look at an 1845 map of the United States, starting just west of Kansas, you will see a sign that says ''Great American Desert.'' It goes all the way across the Rocky Mountains to California. And Texas is within the Great American Desert. We used to joke about it when I was in school, let's drive across the Great American Desert to Dallas. But the truth is, those of us who live in a water shortage State, and Wyoming has to have underground water or it wouldn't be able to exist, we know the value of water. That's why a vast majority of our laws have something to do as far as our land with water.

Taking away the water in the San Joaquin Valley is taking away a growing region, which I have evidence from the movie, that was prospering in 1948. Now how long ago was that? Sixty years ago. Now it's a shame that like you say, some laws that ought to have some exceptions don't. And we have unemployed people in literally entire counties.

It's a great thing to talk about when you talk about the rule of law. That's the responsibility of legislators. That's the responsibility of Congress people. When you have a rule of law that has to be changed, you shouldn't take to the streets with guns unless you have got a tyrannical society, which is what we had when we had our revolution. You should take it to the legislature with votes and change the laws that need to be changed. Make the exceptions to make things work. And this body would decide what is best for everyone involved. That's what ought to be happening.

Mrs. LUMMIS. Will the gentleman yield? I wonder if you might indulge a departure into health care for just one moment.

Mr. CARTER. Certainly.

Mrs. LUMMIS. Thank you. I want to compliment my fellow freshman members of the Democratic party who had an hour preceding this hour to discuss health care from a freshman perspective. A couple of issues came up. I was watching them from my office so I came over here to the floor to comment on some of the things that they had raised and to compliment them on their statements about health care.

I want my Democratic colleagues to know that Republicans support health reform. We recognize that there are problems in our health care system, and that it needs reform. What we disagree about, and what we are here to debate and discuss, is how those changes should be implemented. It seems that my Democratic colleagues are more comfortable with government solutions and that my Republican colleagues are more comfortable with, by and large, private-sector solutions.

I might comment specifically, if I could, on a couple of things that were brought up tonight. The gentleman from New York (Mr. TONKO) said that he wanted stability for Medicare. And I want to say that I too want stability for Medicare. But we have not seen any bills yet that provide that stability. The only bills we've seen are bills that would create a new health care system run by the government on the backs of health care that would cost health care through Medicare dollars that are supposedly being wasted or abused.

Well I can tell you that one of my hospitals in Wyoming has told me they are only reimbursed 37 cents on the dollar of their actual costs for all of their Medicare-provided health care. So in other words, government is being subsidized right now for the health care it provides to seniors. And it is not meeting its obligations to provide the actual costs of Medicare and reimbursing them to doctors and hospitals, especially in rural areas around this country. And I would love to work with the gentleman from New York to solve that.

I want my colleague from Colorado (Mr. POLIS) to know that I, too, want lower costs. But all of the bills we've seen carry costs. And they range from $800 billion and more, which is what we are hearing is the cost of the Senate Finance Committee bill, to the $1 trillion-plus range for earlier bills that were introduced in this House. So these bills that would lower costs come at a cost. It's just that those costs are going to come through surcharges, penalties and taxes that do not exist now. So those costs are just being shifted to someone else.

To the Member from Ohio, Representative KILROY, who brought up a very powerful personal story, and to Mr. KAGEN of Wisconsin, the physician, who both addressed preexisting conditions, Members of the Republican Party also know that preexisting conditions are a huge problem in this country. That is why we supported high-risk pools. And the creation of a high-risk pool passed this Congress before I was here. It was while you were here. The proposal that I am cosponsoring, House bill 3400, would add additional moneys to those high-risk pools that come from cutting off the stimulus funds that have not yet been spent and using them to create additional funding for these high-risk pools to support funding for those with preexisting conditions.

A wonderful idea was discussed during their debate. It was raised by Representative DAHLKEMPER of Pennsylvania. It was something new that I heard for the first time today. After 4 months of constant debate, this was something absolutely brand new, the notion of young people, through age 26,

being able to stay on their parents' coverage, which is a particularly great idea during this economy where young people are leaving college and taking jobs if they can find them in this tough economy, that frequently don't have health insurance or do not have as good a health insurance as the policies that their parents had them on when they were minors. What a great idea. New things come up here every day.

In other words, Republicans are willing to work with Democrats. We want health care reform. We would love to work with Democrats on these ideas. The problem is the leadership of the Republican Party has been asking since April for a meeting with the President and has not received a response. The problem is that we want commitments. When the President says, If you like your current health care plan you can keep it, we try amendments that say exactly that, and those amendments are killed. We want 72 hours to read the bills. And when those amendments are killed, we have no assurance that we will have 72 hours to read the bill.

I want to compliment a television program called ''On the Record'' with Greta Van Susteren. She has been a tireless advocate for Members of Congress reading the bills. And among the things she asked the President is, would you sit down with Members of Congress and go line by line through the bill? And the President said yes. So, members of the Republican Party in Congress have written to the President and said, please, we would love to take you up on this. Let's go through this line by line so if you really believe we Republicans are misrepresenting the ideas that are embodied in House bill 3200, we can see where we disagree, and maybe we can find an agreement. And yet, those requests to go through the bill with the President line by line have not been responded to by the White House.

□ 2145

So, in other words, I want to share the frustrations that we in the minority party have, and particularly that I, as a freshman member of the minority party, have. And I want to communicate with my majority party colleagues, my Democratic colleagues, that we want to reach out and have been reaching out to the Democratic Party, the majority party, trying to find a bipartisan bill, and yet I believe our overtures have not been reciprocated. And I want to once again extend my desire to do so. I would particularly like to work with my freshman colleagues who I respect and admire very much and rely on the expertise that we have come to gather as fledgling Members of this Congress.

I note that the gentleman from Texas has now a chart on the board.

Mr. CARTER. That's right. Reclaiming a portion of my time, GREG WALDEN, CULBERSON and BRIAN BAIRD have H. Res. 554, the 3-day reading rule, which just basically they want to put in writing and have this body adopt as a—agreed by both sides voting on, legislation must be available to Members and the public for 72 business hours before taking action, requires the full text of the legislation and each committee report to be posted continuously on the Internet. And by the way, this is what one of our Founding Fathers, Thomas Jefferson, thought was a good idea, and we're just basically redefining his rules and modernizing it a little bit with the Internet.

But an interesting thing you said—we keep talking about this health care plan and I want to get on to other things, but it's an important thing, but there will be another health care debate later—and that is, it's important, but you need to look at history. I just saw on television the oldest health care plan in the world was created by Otto Von Bismarck in Germany when he united Germany, so it's the oldest one they've got. They tried all ways of funding it, but it comes down to coming out of your paycheck. And today, in Germany, 42 cents out of every dollar is taken out by the government to pay for the health care program, and they're having real problems with it in the modern world.

So, there's lots to be talked about, and what you said is right; let's talk. And by the way, something else. The Senate supposedly passed something today, but they haven't got it in writing. In fact, they passed something which is a concept. I think this is a new thing. I have never quite heard anything like this. They passed a concept, which none of it has been reduced to writing the way I understand it. So it's just we've got a bunch of ideas and here's what they are, and we're not going to write them down because somebody might hold us to them. So we're just going to say we've got some great ideas and we pass it. What is that?

Mrs. LUMMIS. And will the gentleman yield?

Mr. CARTER. Yes, I will yield.

Mrs. LUMMIS. And even those concepts should be at least posted for a 3-day reading now that they've been actually voted on. But as the gentleman has pointed out, who now is going to take those concepts and draft them into a bill? And will the bill be the exact embodiment of what the Senate passed in concept or will additional concepts be added? We won't know unless the 3-day reading rule and the posting rule on the Internet is implemented. Only if 72 hours are given to those people who can compare those concepts that were voted on to the actual legislative language that comes out of a drafting group will we know that the legislation reads the way that the concepts were designed to implement.

And I yield back. Thank you.

Mr. CARTER. I see my friend LOUIS GOHMERT from Texas is here, and I'm going to yield to him in just a moment. But that kind of reminds me of ''Animal Farm,'' you know. They would say the rule is this, and the next day they would say, Oh, that's not what the rule is. The rule is this. Finally, they said, We're going to write them on the wall of the barn. So every night they wrote the rules on the wall, and then when they woke up the next morning, somebody had gone and erased the rules and added new rules. See, there is a reason why this body has the rules that it has, so that we and the American people can be educated about what we're doing. And concepts, that just doesn't get it done.

I yield whatever time Mr. GOHMERT would like to have.

Mr. GOHMERT. Thank you for yielding.

Let me just tell you about some of the problems with the rules that we in the minority have encountered here this year. It is amazing just how grossly unfair and closed and partisan the rule usage has been in this body.

Now, for example, CBO, the Congressional Budget Office, has been hailed for years and years as one of the most fair and suprapartisan—they're above being partisan—entities that there is in Washington, D.C. And many people will recall, I'm sure, that after a tough thumping that H.R. 3200 got as just how costly it was going to be, as CBO had estimated, the head of CBO was called over to the White House, to the White House woodshed, apparently. Behind closed doors and lots of guards, there was a discussion we weren't privy to. But lo and behold, CBO seems to be much more lenient now in looking the other way on some things and coming out with scoring that we wouldn't have thought was possible.

But if you go back to early in the summer, as my friends here know, I have had a health care plan that is an alternative. It's a solution. It came from listening, you know, hundreds and hundreds of hours to people that knew exactly what they were talking about and putting it together in a plan. Then we were trying to get the plan into bill form. We were told that I was not on the committee of jurisdiction, and therefore there just wasn't much chance of getting that done.

But we were also told you cannot get a bill scored unless it has been put in bill form by Legislative Counsel's office. And the Legislative Counsel's office is the one that said, Look, we've got so many submittals, there is no way we're going to get to that any time soon.

So we kept pushing and pushing because we had to get it in bill form because we were told that unless you get your plan in bill form—not a concept like the Senate has done. How ridiculous is that? A concept. You vote on a concept? Excuse me. There needs to be language that you fight over. You can't have a staffer come in at the last minute or some—maybe ACORN is going to help them with that, too, but you can't do that.

So, anyway, we fought for a couple of months. We finally, with the help of Ranking Member JOE BARTON and others in our party saying please get this into a bill form, the last week of July the Legislative Counsel's office was able to get it in bill form. We were able to get it worked on and then get it filed on July 31st.

Well, in August, we started requesting that, now that it was in bill form, please, CBO, would you score our bill because we were told you couldn't get it scored until it was a bill, so we got it into bill form. And then we were told, Well, you know what? You're not on the committee of jurisdiction, so we may not be able to get to that. So again Ranking Member JOE BARTON made a request, and we were told it was in the queue back in August.

Then in September I was told, Well, you don't have a request from the Joint Tax Committee. Our ranking member on that is DAVE CAMP, so I talked to DAVE. Wonderful guy. Dave made the request as the ranking member of the Joint Tax Committee, so then we got that request in in September.

So imagine my surprise when Senator BAUCUS comes up with a concept—not a bill, a concept—and lo and behold they're able to score his concept even though there is no language there, and they go through these mock hearings over a concept without having the actual language and vote on a concept. It's my understanding that the definitive language is still not there yet.

So, anyway, we know that CBO, the way they've been able to phrase it, the media has been able to come out and say, Wow, this is going to cost hundreds of billions of dollars, but it's really not going to hurt us financially. Man, that woodshedding at the White House must have really done a lot of good for the White House. That's all I can figure.

But let me also say this to anyone who has ears. Anyone who comes to this House floor and says, The Republicans, we've reached out to them, but they have no solutions, they have no proposal, is either a very, very ignorant person who will not avail themselves of the vast amount of information around on our proposals and our solutions or they are misrepresenting the truth. That's just the way it is. And we hear that over and over. Gee, we have reached out to the Republicans. They've got no solutions. They've got no proposals.

The President himself said that on Monday before he came in here to this joint session. He said, You've heard all the lies, and what are their proposals, what are their plans? I'll tell you, they don't have any. Well, he was either being very ignorant or he was misrepresenting the facts. And it may be that he really didn't know, that whoever put that information in the teleprompter, he was just dutifully reading it and he really didn't know one way or the other. So I want to be fair about that.

In any event, when we hear all of this stuff about the fairness and reaching out, it was my understanding that the President has not invited a Republican since March to come to the White House and talk about health care. If that's different, I would love to know the facts.

I know the President stood right up here and said, you know, If you have solutions, my door is open. And apparently, you know, I don't have any way to dispel that. I'm sure he was being honest, if that is true, his door is open, but the problem is they have so many massive gates and so many heavily armed guards between us and that open door at the Oval Office that we can't get to the open door, and so that makes it problematic.

But anyway, these are some of the frustrations we've been dealing with lately. And I'm hoping maybe CBO will end up being able to score my bill sometime before the end of the session, a year and a half from now. It's just hard to know. But it is amazing how they were able to find time to score something that wasn't even a bill after I was told we can't score it unless it is. But anyway, apparently there's a lot of flexibility there after you go to the woodshed at the White House.

And with that, I will yield back to my friend.

Mr. CARTER. I thank my friend for yielding.

My good friend from Iowa is here, which brings up another rule of law issue that we've been discussing. I know he wants to talk about it, so I'm going to shift gears here.

I am first going to talk about MARSHA BLACKBURN's H. Con. Res. 185, reining in the czars. And she is proposing that the President will report on the responsibilities, qualifications, and authorities of his special assistants, known as czars. She is saying the President will certify that czars will not assert powers beyond those granted by law to a commissioned officer on the President's staff, and that Congress will hold hearings on the President's report and certification within 30 days, I assume, after the receipt of those reports. All of this is a part of multiple pieces of legislation that are out there now talking about czars.

I'm going to yield to my friend, Congressman KING from Iowa, as much time as he needs to consume. And I've got some kind of interesting stuff he might want to use here.

Mr. KING of Iowa. Oh, yes. I hadn't actually forgotten about that. I thank the gentleman from Texas for yielding.

When we look at the list of czars that started out with none and quickly became 32, and some say grew to 47 czars, Mr. Speaker, a number of these czars have gotten fairly notorious in the public eye. And this particular czar I will go to in a moment, but one that comes to mind is the green jobs czar, Van Jones—the former green jobs czar, Van Jones. We can't forget about him. He had a lot of things going against him. He seemed to be very active in the streets, a self-avowed Communist. And of all of the things that he did and said, he despised Republicans terribly to the extent that I can't quote him here on the floor or my words would be taken down. But he is no longer the green jobs czar, Van Jones. It was mysterious that he disappeared from the scene about 12:01 a.m. on a Saturday morning.

□ 2200

It's also mysterious that the President could bring his focus on a small little law enforcement altercation that took place up near Harvard University, and we all know the name of Officer Crowley because of that, the Beer Summit. The President had a beer summit to deal with that, the Presidential illumination of a minor, a very, very minor, law enforcement issue; but he didn't have, couldn't take the trouble to say a few kind words on the departure of Van Jones, self-avowed communist, former czar for green jobs czar.

Now we have another czar that comes into this same category, in fact a category that is more objectionable, I believe, and that's Kevin Jennings. Kevin Jennings is the President's appointment to be the safe schools and drug free schools czar.

Now, as I noticed how President Obama dealt with Van Jones, and it was ignore him, and he went away in the middle of the night—I mean, literally in the middle of the night, Mr. Speaker, I am calling upon the President to simply fire Kevin Jennings. Kevin Jennings, the totality of his life has been the advocacy for his homosexual agenda.

He has written a number of books. I have a list of them here, four or five. He has been fairly notorious for writing the foreword in the book titled ''Querying Elementary Education.'' Now, a statement that I put out here, as we all know, that what is really promoted in our schools—this is a statement from Van Jones, We all know what is really promoted in our schools. Heterosexuality is primarily promoted in our schools. Every time kids read ''Romeo and Juliet,'' kids are aggressively recruited to be heterosexual in this country.

That's Kevin Jennings. I mean, he takes offense at ''Romeo and Juliet'' and claims that it is an aggressive recruitment to heterosexuality. But 20 years, seeking the affirmation of homosexuality, four or five books, the foreword in the book, ''Querying Elementary Education,'' the way he has written in his book titled ''Momma's Boy, Preacher's Son'' about his drug abuse, his cavalier use of drugs, the message that kids would get on the drug-free school component would be that, well, I guess, drugs aren't so bad, you can become the drug-free school czar even though you have abused drugs and written about it in your book—not taking the responsibility, not advocating to avoid drugs but simply writing about it in a way that it is

fascinating to be off the end of the runway watching the planes come in and out.

This is what we get with Kevin Jennings. Kevin Jennings has said, of the individual whose name is Harry Hay, one of the strong advocates for the North American Man Boy Love Association, Kevin Jennings said of him, he always inspires me, always inspired by the person who was on the cover of the magazine for NAMBLA, the North American Man Boy Love Association.

Now, I have just gone through some of these things that we know about Kevin Jennings, certainly not all of them. But we can see that the totality of his professional life as advocated, has advocated nationally against religion, again heterosexuality, at least resentful towards it, and in the discussion and promotion of homosexuality in our schools.

Now, whatever a person's particular inclination may be, our preschool kids, our kindergartners, our first, second, third, fourth and fifth graders don't need to have that discussion. They don't understand it. They don't need that pressure on them. They need to be left alone to focus on their academics and their social adjustment. But this man is engaged in the single promotion, the promotion and the advocacy, I will say of—well, by the way, that is the record of Kevin Jennings.

So I will ask the question. If he is going to be the safe schools czar, the safe schools and drug free schools czar, then he has to have something more to offer than simply, I will say, the promotion of safety for some kids that might be self-alleged homosexuals in our schools. That would be the only narrow part that you could say he has to offer. The balance of it across the spectrum of his job is simply nonexistent from his professional career.

If he were teaching in elementary schools, and he had a record like he has with these books that he has written, the foreword that he has written in ''Querying Elementary Education,'' he has the endorsement of Harry Hay, one of the lead North American Man Boy Love Association people in the country, who is also a self-professed communist, by the way, this man would not be working in many of the elementary schools in America as a teacher.

Yet he has been elevated to be the safe schools and drug-free schools czar for America. I call upon President Obama to simply dismiss Kevin Jennings. Go find somebody that stood up for kids and families and education, drug-free and safe schools all together. Surely there's somebody out there that's lived an example.

I urge the President to remove Kevin Jennings. Put somebody in who can do the job.

Mr. CARTER. I yield to the gentlelady from Wyoming again.

Mrs. LUMMIS. Because of the conversation we have just had, I want to further remind people that there is a bill entitled Sunset All Czars, H.R. 3569, the primary sponsor, Representative SCALISE, in addition to the Blackburn bill, which I also support.

Before we adjourn this evening, I would like to bring up one more bill, and that is the audit of the Federal Reserve. It is the subject that also, I think, is consistent with our desire as a Congress to fulfill our obligations under the Constitution.

The reason that this bill is so important to the people in the United States—and I preface my remarks by saying I supported Mr. Greenspan and I support Mr. Bernanke. I applaud them for all the efforts that they make on behalf of the Federal Reserve.

I, nevertheless, support a bill to audit the Federal Reserve. It is based on personal experience. I was my State's treasurer. I was audited annually. The auditors came into my office in August, and they didn't leave until after Christmas. One-third of the year, every year, for the 8 years that I was State treasurer, I was being audited. It was for good reason; it was because I managed all of the money in the State of Wyoming.

The auditor and the treasurer were the two people with whom the auditors who are contracted to audit the State spent the most time. It was appropriate. It was a pain in the neck to have the auditors in my office for 4 months every year taking time away from our regular duties.

But, in fact, it protected me, as the State treasurer. Had any of the employees in the office been able to misdirect monies, it protected me. It protected their coworkers. It protected the taxpayers of the State knowing that their money was being appropriately audited, that there was someone looking over my shoulder, our shoulder, in the office of the State treasurer. It was good for me, it was good for my office, it was good for the State. It was good for the taxpayers whose money I was managing.

The same is true with the Federal Reserve. This is not an attack on Ben Bernanke or his predecessors. This is good, sound money management.

Mr. CARTER. I, too, and I think Brother King also supports the auditing of the Federal Reserve. It's our money. We want to know what's going on. We want to make sure we know that things are right. We are not questioning anybody's honesty; we just want to know what's going on. We are at a point in our society right now where it's pretty desperately needed to know.

I want to say one more thing: Mr. KING's comment on the safe schools czar, what he is proposing is against the law, this man boy sex thing. Aggravated sexual assault of a child is the number one sexual offense in America today, at least by my experience. In 20, almost 21, years on bench, I tried—that used to be called rape. I tried lots of aggravated sexual assault cases. One out of probably a thousand was two adults and all the rest were children.

Now that will tell you, at least in my experience, in an active trial court, where I was—in fact, the one adult I was sitting as a visiting judge in Travis County, it wasn't even my county. As far as I know, over all my side, where I was trying my cases, we had three courts. I only saw aggravated sexual assault of the child cases and that means it's just rampant because the victim is unable to be a very good witness sometimes because they are so young.

□ 2210

It is a very tragic situation. It just shocks me that somebody that would be advocating those things would be put by a responsible administration in charge of safety in our schools. It is shocking.

I yield to Mr. KING from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas.

Mr. Speaker, I can only reflect back upon the experience that Judge CARTER has talked about. It would be interesting to see the actual numbers and data from across this country. This right now is the best cross-section I know of. I have not heard of another. In some jurisdictions it is called statutory rape.

Mr. CARTER. That is right.

Mr. KING of Iowa. The record that Kevin Jennings has put out is that as a teacher he counseled a young boy, whom he said was 15 years old, who had been having sexual relations with one or more men at the bathroom in the bus stop, and that makes him a mandatory reporter as a teacher. He didn't report until he wrote his book and talked about it in his speeches.

So, that is a violation of the law and it is a responsibility that he shirked. And, yes, he said he could have handled it differently. Well, anybody could have handled anything differently. But he didn't.

I can only question, if he hadn't focused his mind so much and his professional career so much on the homosexual side of this, wouldn't he have been appalled by the statutory rape of a young boy if it had been a young girl perhaps? Would he have then been the actual mandatory reporter and followed the law, if it didn't fit within his bias? I suspect he would have, if it had been a girl and a man rather and boy and a man.

But this is intergenerational sex, and it is advocating for safe sex, not safe from sexual predators. So the school situation with the czar, the responsibility is to provide safe and drug-free schools. There is not very much at all in his history that would advocate for that. It is not very broad. It is very narrow.

Many of these things that come out in his record are anathema to the mainstream of the American people, and the President should have had better advice when he made this appointment. Now he needs to take responsibility for his appointment, and that is

why I have called for the President to fire Kevin Jennings, and let's find somebody that actually maybe is a parent and a teacher and somebody who has a life career advocating for the safety of all children and the drug-free nature of all children.

If I could roll this back to a brief comment in the little bit of time that we have, about 5 minutes I see, there is another piece. Since we have that much time, I want to also point out that because of Kevin Jennings saying that he is always inspired by Harry Hay, let me say the icon of the North American Man-Boy Love Association, that doesn't necessarily mean he aspires to all the things that NAMBLA aspires to.

But this icon also is a self-alleged Communist. So it doesn't mean also that he is a Communist, but it means as a fellow traveler, as a consistent commentator, as a writer and author and an individual who has written a forward on the queering of elementary education, he has traveled on that path consistently, and it has been the exclusive activity of his, the nearly exclusive activity of his entire professional life. And we can find somebody better, and we can find somebody that is not there with an agenda that he is seeking to drive, aside from safety for kids in school.

I wanted to make a comment also that the CBO score on the Senate's health care bill, it includes 10 years worth of revenue and 7 years worth of expenses. When I listened to the gentlelady from Wyoming talk about being audited for a third of every year or a fourth of every year, none of us could get by with that.

If I look back on my business career, if I could have had 10 months in every year worth of revenue and only 7 months worth of expenses, or 10 years worth of revenue and 7 years worth of expenses, I would have made millions and millions of dollars with that kind of bookkeeping.

This is billions and hundreds of billions of dollars. They need to be held accountable. It has got to be 10 years of revenue, 10 years of expenses, and it has got to be legitimate expectations on how people will react when you fine them $700 a year as opposed to requiring them to buy insurance.

I thank the gentleman from Texas. I yield back.

Mr. CARTER. I thank my friend for coming down here and talking about a new subject, but a subject that is important. These czars, when we have got individual issues on the rule of law, we ought to talk about them. And I encourage all my colleagues, if they have issues about laws that they don't think are being enforced right or that they are concerned about the enforcement of, that is what this hour is about. It is about the rule of law.

I thank you for bringing up that issue. I hope everyone will be very concerned about the issues that you raised today.

Mr. Speaker, we thank you for the hour, and we will yield back the balance of our time.

WHY HEALTH CARE IS NEEDED IN COLORADO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for half the remaining time left until midnight.

Mr. POLIS. Mr. Speaker, I took to the floor and will shortly share with you stories of real people from my district and from Colorado with regard to why we need health care reform so urgently in this country. But before I begin, I would like to address some of the comments of my colleagues from Iowa and Texas with regard to Mr. Kevin Jennings and some of the other issues that they raised which cannot go unanswered, lest the American people be misled.

Mr. Kevin Jennings is an appointment by President Obama to the Safe and Drug-Free Schools Initiative.

First of all, with regard to his commentary on the life of Harry Hay, Harry Hay was the founder of the Mattachine Society, the first organized LGBT rights group in this country, a legitimate part of the LGBT history and movement. To somehow detract from praising such an individual is akin to, let's say, colleagues on the other side of the aisle who might have in the past or continue to praise conservative talk show host Rush Limbaugh. And I would never, I would never, Mr. Speaker, say that they are endorsing drug use by saying that Rush Limbaugh is a leading conservative thinker. Nor in any way, shape or form, has Kevin Jennings ever endorsed the concept of pedophilia.

It is offensive to hear some of this language that emanates from the other side of the aisle. Mr. Speaker, I am glad we are at such a late hour of night. I would hope that C–SPAN and the functions of the United States Congress remain a family-friendly station and the people can be confident that their kids can watch and listen and hear without hearing the tales of bestiality and pedophilia which all too often stem from the tongues of those on the other side of the aisle.

With regard to the advice that Mr. Kevin Jennings gave to a 16-year-old boy when he was his teacher during the height of the AIDS crisis, a 16-year-old of the age of legal consent in the State of Massachusetts who said he had been struggling with his sexuality, had turned to anonymous sex, had been conflicted in his internal feelings, the advice, and it was fundamentally good advice, was ''I hope that you used protection.''

If more young people in that situation at the height of the AIDS crisis had received the type of counsel that Mr. Jennings had provided this 16-year-old, there would be thousands more people alive today and thousands less victims of the AIDS crisis.

Regardless of one's personal opinions about whether abstinence-only is the best way to have sex education in this country, or abstinence-plus, which would encourage abstinence but also give young people the knowledge they need to prevent diseases and unwanted pregnancies, the advice that was proffered by Mr. Jennings was well within the bounds of encouraging safe behavior, and in fact might indeed have gone some distance to saving the life of this young individual.

Having gay and lesbian role models in our schools, and indeed in providing safe schools and drug-free schools, is critical in helping to reduce the suicide rate among LGBT youth. The highest suicide rate among all youth occurs among LGBT youth.

The agenda that Kevin Jennings brings to our schools and brings to providing safe schools is no more a homosexual agenda than it would be a heterosexual agenda if Kevin Jennings happened to be heterosexual. Any appointee of that post would presumably have some sexual orientation, be it straight, be it gay, be it bi. That is not what that job is, and there is no difference in the sexual orientation of the individual performing that job. No one is more or less capable of keeping our schools safe and drug-free, regardless of their sexual orientation.

□ 2220

Mr. Jennings is somebody who has dealt with, in his own life, addiction issues and has worked with youth to help bring them out of addiction, and I applaud President Obama in standing by this well-qualified nominee for the Office of Safe and Drug-Free Schools.

Mr. Speaker, I rise today to share with you stories from Colorado's Second Congressional District about why we need health care reform urgently.

I was written by one of my constituents, Anastasia Gonzalez of Thornton, Colorado. Anastasia is a single mom and a full-time student. She wrote to me to let me know how important it is that in our country we put our differences aside and fix our health care system so that everybody, not just the people who can afford it, have health care. Anastasia told me the story of her child, who just started school this fall. Anastasia had to borrow money from friends just to get her child immunized before school started. Anastasia hasn't been to a doctor since she had her daughter. She can't afford to see a doctor, no less have any necessary procedures done.

When she was pregnant she was diagnosed with precancerous cells on her cervix. She had a procedure done right after the pregnancy in hopes that it would take care of the problem, but she has been unable to see the doctor for any follow-up because she can't afford the fee. She doesn't know if it's developed into cancer or not. She doesn't know if she'll be around to tell her story to her child when she's old enough to know. Anastasia writes that

no one should have to go through this; no one should have to sacrifice their health for any reason.

Well, I'm proud to tell Anastasia that the bills before Congress today would make a real difference in her life. The affordability credits would provide vouchers that would enable her to have the resources she needed to buy the insurance of her choice. She wouldn't need to worry about being discriminated against in pricing for her preexisting condition. She would be able to be covered and insure that she was there not only for her daughter but for her granddaughter and for her family, and was able to go to sleep every night knowing that she had access to the very best medical care in our country.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories from Colorado of real people and the issues that they face in their daily battle to seek health care. I want to share with you the story of one of my constituents, Bunny Strassner, a friend of mine, and a small business woman.

She and her husband own a production company in Lafayette, Colorado. Recently, they had to lay off their employees, move their office into their home, and cancel their personal health insurance. Like so many American families dealing with this recession, they just couldn't afford it. They're still some years away from qualifying for Medicare, but like a lot of families, because of preexisting conditions, because they had to drop health care, they are worried every day of having an accident, of an illness affecting either one or both of them, because they cannot afford to be sick or disabled. Bunny wishes that Members of Congress who have wonderful health care coverage would really understand the practical and emotional problems the lack of health insurance causes.

I hope that those listening today will learn from the experience of Bunny and ask themselves how many more Americans must go through the experience of Bunny Strassner and her husband. Bunny says, I love my country. I work to improve education, especially in the areas of citizenship and the environment. I'm too young to feel this old. With the health care plan before Congress, Bunny Strassner and millions of other small businesses like her would receive tax credits to help make insurance more affordable. They would have access to exchanges that would give them the same good pricing that large multinational corporations have, helping to make health care more affordable for the small businesses of America.

You know, I was in business before I came to Congress, and it's not that small business people don't want to cover their employees. They do. But if they can't, they can't. This bill helps make it more achievable. It gives small businesses the tools they need through access to the exchange and through tax credits to ensure their employees have adequate coverage.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people and the urgent need for health care reform in this country. One of my constituents from Boulder, Colorado, Maria Thomas-Ruzie, wrote to me the other day and shared her story, which really struck close to home for me and impressed in me the need for Congress to act now and pass health care reform.

Maria has always had a fine medical record and decent dental coverage as a State university employee, and her husband also had what they thought was good coverage through the architectural firm that he worked. They even had the option of covering their children in her plan or his plan or both. However, her husband, Maria's husband is a type 1 diabetic, and he incurs, on average, between $5,000 and $6,000 a year in expenses to keep his diabetes under control. It goes to simple routine needs—insulin and insulin supplies, test strips, monitor upkeep, other medications, regular lab work and doctors checks, and as they near retirement age, the planning around their needs becomes even more critical. Marie often thinks about those with diabetes who don't have health care coverage, who can't control their blood sugar levels or related issues.

I'm reminded of the story of a young woman at the school that I served as superintendent of before serving in Congress, the New America School. Her name is Kimberly. She, like Maria's husband, suffered from diabetes. Unlike Maria's husband, Kimberly had no health care insurance. At 19 years old, she was no longer part of the children's health care insurance, and because she didn't have access to health care insurance, she had no access to ongoing treatment, insulin monitoring and injections that could have made her condition manageable. So it got to the point where she had kidney failure and was admitted to the hospital and had to be given emergency dialysis.

Now, the cost of that emergency dialysis treatment, subsidized by the rest of the taxpayers because Kimberly didn't have health care insurance, would have paid for 2 years of treating and monitoring Kimberly's condition. Beyond the human element of having to force Kimberly to be sick enough to stay home from school and miss work to get emergency dialysis, beyond the human element, how can it make sense to spend, in 1 day, what we could have spent in 2 years to provide a manageable outcome for her diabetes?

Maria concludes that their story is not particularly special. It just underscores the importance for health care reform and the need to pass it now.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people and why it's critical for us in Congress to pass health care reform. One of my constituents from Eagle County, Colorado, Marian McDonough, wrote to me the other day and shared a story that I want to share with you.

Marian's son was diagnosed with type 1 diabetes when he was 20 years old. He's currently 26 years old. Until he was 24, he was on my health insurance policy through work. But then he aged out of his mother's policy, and when they began checking for health care coverage for him, and while there's normally many policies available for young people, her son was turned down by all these companies because of the very preexisting that he needed coverage for.

Marian will add that her son has always been very diligent about his care, maintaining his glucose levels, taking his medication. Beyond diabetes, he's in wonderful health, and when he's tested for his long-term maintenance levels, he receives high compliments for maintaining the proper levels. Yet his condition, his scarlet letter, his preexisting condition, causes him to be denied by insurance company after insurance company.

□ 2230

The only way for him under the current system to get coverage is through a large employer who provides insurance, severely limiting employment opportunities. What if Michael wants to be self-employed, start his own business, be a consultant? What if he wants to work for a small company? What if he wants to have two or three small part-time jobs? Those are all avenues that could mean his death.

Maryanne writes that one of the problems and glitches with the system is that it doesn't cover the very people who need coverage. She writes, There's many nations and countries that utilize the national system and they work. I want to assure Maryanne and the others who are watching us tonight that one critical component of every health care bill we have in Congress—and we have five health care bills: two in the Senate, three in the House—one of the important common elements is they all ban exclusions based on preexisting conditions and pricing discriminations based on preexisting conditions.

Another proposal in the House bill is they would raise the age that a young person could stay on their parents' policy to 26 years old. For those young people that are out of college, looking for jobs, underemployed, they can stay on their parents' policy a couple of years longer and ultimately have access to their own insurance without having to worry about being excluded because of the scarlet letter that they bear through no fault of their own.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado and why we need health care reform.

One of my constituents from Boulder, Colorado, wrote to me. He asked that his name not be used, but he wanted me to share his story with you.

This constituent from Boulder has had HIV since the 1980s; and in the

early 1990s, he was dropped by his health care provider, Mutual of Omaha, not because of his particular condition but because they were dropping the whole class of the insured, all single-payer, private policy owners; and at the time, that was millions and millions of subscribers.

His story ends up somewhat happy only because he became eligible for our government-sponsored single-payer health care program for the elderly and disabled, namely, Medicare.

He was able to file for disability and receive Social Security disability payments. His health care costs are covered by Medicare, the AIDS Drug Assistance Program and the Colorado Indigent Care Program. He asked that I work hard for health care reform so that his friends, especially men and women in their 50s and early 60s before they're eligible for the government single-payer system, Medicare, can't afford to get coverage under the current system.

This gentleman, based on his experience and long interactions with our health care system and triumph and struggle against HIV, is for a government option in health care and wants all of us to continue to support reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people, constituents in Colorado, and why they need us to act on health care reform now.

One of my constituents from Evergreen, Colorado, wrote to me the other day, Paul Lizitski. Paul asked that I share this story with you.

Paul has lived without health care at many various times throughout his life, including the past 2 years. He joins over 45 million Americans who lack health care insurance. He's highly educated. Paul has a master's degree, but a master's degree doesn't ensure that you can have affordable health care.

His work and career path have led him through various health and human services and occupations, and he's been a public school educator, a Medicaid case worker, and a hospice caregiver. He's now a private gardener, and some day he hopes to grow his business into a garden center and create jobs.

Paul is 46 years old and he's been in a nonlegally recognized gay marriage for 15 years. His spouse, Doug, has health care security from his long career with the National Park Service. He's since retired and continues to enjoy requirement benefits. But under current Federal law, Paul isn't eligible to be part of Doug's insurance in any way.

Paul lives with the knowledge of having no biological offspring and lacking the same rights that heterosexual couples take for granted. He needs to try and fend for himself. As it applies to health care, all he can do is try his hardest to maintain his physical and mental health at a level that he can afford and pay out of pocket his personal health care costs until he reaches Medicare-eligibility age.

He's had to make the difficult decision in the past to forego medical and dental checkups. On some occasions where he did have a checkup, he had to limit the amount of care or the prescriptions that were assigned to him.

Paul is worried that his two older brothers, Peter and Michael, passed away at relatively young ages. Paul is nearing the age where his brothers' lives were taken, and he's worried that he won't live to see his 50th or his 52nd birthday.

In addition to health care reform, which would provide affordability credits for Paul to purchase insurance from the provider of his choice, allow his small business to purchase insurance through the exchange making it more competitive and attracting other employees from larger businesses so that they could offer some of those same benefits, there is also an important bill in Congress sponsored by Representative TAMMY BALDWIN that would provide full health care benefits to domestic partners.

Paul's partner, Doug, spent his career in public service working for the National Park Service, and yet he doesn't have the same benefits that a heterosexual would have who had served in that capacity.

So in addition to the benefits within health care reform and making health care affordable for people like Paul, it's critical that we pass domestic partnership benefits for Federal employees to ensure the competitiveness of our Federal workforce through the 21st century.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado who wrote to me and asked that I share their stories with you with regard to the urgent need to pass health care reform.

Bill Reed wrote to me from Silverthorne, Colorado, a mountain town. Bill runs a small business. They offer health insurance to their employees where the company contributes a fixed amount and the employer pays the difference. But this year, their plan came up for renewal, and they were informed by their carrier that their 2009, 2010 premiums would increase 22 percent. This 22 percent increase occurred in the worst recession of a generation.

Needless to say, Bill contacted numerous other health insurance companies trying to get competitive bids to reduce this cost, but no other providers would even meet with Bill and his company, no less bid for their business.

Bill writes: ''As a good capitalist and businessman, when companies don't compete, market mechanisms fail.'' I couldn't have said it better myself.

One of the key components of health care reform is ensuring that there is more competition within the insurance industry. Under the exchanges that are created, small businesses like Bill's would be able to contract with the exchange to provide health care and each of the employees of Bill's company would be able to choose from 10, 20, 30, 80 different plans that are offered in the exchange, empowering consumers with choice and empowering market mechanisms to relentlessly charge forward to improve efficiency in the insurance marketplace.

Bill concludes the problem isn't profits. The problem is lack of competition in the health insurance market. The solutions, Bill writes, is to establish a public option that will control costs, keep prices down, and set off real competition in these markets.

By giving small businesses like Bill's access to exchanges, tax credits to help them afford the cost of insurance and assuring them that they won't receive pricing discrimination because one or two of their five employees might have a preexisting condition, we enable and empower companies like Bill's and each of their employees to make decisions in the marketplace that lead to a more efficient marketplace for insurance in our country.

Thank you, Mr. Speaker.

□ 2240

Mr. Speaker, I rise today to share with you stories that my constituents in Colorado gave to me and asked me to share on the floor of the House of Representatives.

Lynn Valverde, a constituent of mine in Thornton, Colorado, wrote to me that her son was diagnosed with asthma when he was about 3 years old. At that time, Lynn was a single mother. Due to divorce and her son's father not paying child support, Lynn had very little money.

She was working full time when her son was diagnosed, and she had health insurance. But Lynn wanted something better for herself and her family. She returned to college full time, a decision that I applaud, that we as a society applaud. She wanted to create a more stable financial life for her son and herself. Both her son and she were living with Lynn's mother, the child's grandmother, while Lynn was working towards her B.A. She applied and received student health insurance, but her son's asthma issues increased, and within a very short period of time, the student insurance dropped her son due to the scarlet letter of ''preexisting condition.''

Lynn attempted to apply for Medicaid for her son and was told that since she had assets in her car, which she was making payments on, and her only other asset, a $5,000 bond in a safe-deposit box that an aunt had given for the son, she would need to pay for her Medicaid, and her son would only be able to visit Medicaid doctors.

She applied, and within a short period of time, her son had a serious attack. There was only one Medicaid doctor that was within a 50-mile radius. Lynn took her son to the only Medicaid doctor. And she wasn't satisfied with the quality of the treatment that her son was provided. She wanted to go back to his old doctor, the one she used

to see before the insurance dropped him. The old doctor looked at the prescriptions that the other doctor had made and noted that the son had been prescribed medication doses meant for adults.

Needless to say, from that point forward, Lynn prayed a lot that her son wouldn't have the serious attack and made the very difficult pay out-of-pocket money, any money she could muster borrowed from friends to pay for her son's treatment.

There is a happy ending. Finally, Lynn met a wonderful man, got married and was able to get her son on their insurance. Her son is now 23 years old and fine.

Lynn wants to make sure that no American family has to go through what she and her son did. And by preventing discrimination based on preexisting conditions, by providing affordability credits for working families to be able to receive the resources they need to buy the insurance of their choice, we empower people like Lynn to make choices in the marketplace and have access to the insurance of their choice. And that is why I call upon my colleagues in the House of Representatives to pass health care reform now.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories from Colorado that my constituents gave to me of their dealings with health care and why we need to pass health care reform now.

One of my constituents from Boulder, Colorado, asked that her name not be used, but wanted me to share with you her story and her travails. She had a small ovarian cyst several years ago that ruptured. She was insured at the time with a high deductible. She went to the ER. She didn't know what the pain was. She thought it might be appendicitis or something else. They ordered two CT scans, which were incredibly expensive, about $1,600 a picture. Later she found out that had she been uninsured, the hospital would likely have ordered an ultrasound instead.

The hospital staff kept pushing her to take pain medications, though her pain wasn't that severe. She wanted to stay in touch with what she was feeling in case her condition worsened, so she did not take the pain medications. She feels that if she had the right level of insurance she would have received a better quality of care. And she saw firsthand the difference between the way that people who are insured and uninsured are treated in our medical system.

There are people who are uninsured in similar situations whose stories I'm not able to share with you today because they are no longer with us. And it is their memory, as well as for the living memory of those like this woman from Boulder who asked that I share her story that it is critical that we pass health care reform today.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado and their own travails in our health care system who want me to share with you their reasons for passing health care reform.

I want to share with you a story that Linda from Broomfield, Colorado, shared with me last week. Linda's story isn't about her. It's about a friend of hers.

A friend of hers is a good, hard-working 22-year-old. Her friend is working two jobs. She recently quit a third job because she couldn't do it anymore. Her friend makes too much to qualify for government assistance but not enough to afford to pay for health care insurance, which she doesn't receive through her work as a waiter and a barber. She is a responsible, tax-paying homeowner who works in a profession that doesn't provide group health insurance.

Linda writes that her friend is an example of the tens of millions of Americans who work in service professions, auto mechanics, hairdressers, et cetera. We rely on these folks, Linda writes, but they are really stuck.

What would the health care proposals before Congress do for people like Linda's friend? Based on income levels, up to, it's being negotiated, 300 to 400 percent of the poverty level for individual wage earners up to 40, $42,000 a year in income, they would receive affordability credits that they would be able to use. It's a voucher to be able to purchase the health care of their choice so that people like Linda's friend wouldn't have to worry about being uninsured. They would have access to buying insurance through an exchange, a low-cost option that allows them to choose from a multitude of insurance companies, or the public option, at one low cost, giving them the same purchasing power as multinational corporations and the same leverage in negotiating insurance companies as multinational corporations.

Linda's friend is a good American. And there are millions of Americans in that same situation working one job, two jobs, three jobs, not getting covered through work, unattainable cost of coverage on their own.

The bill before us, Mr. Speaker, would allow Americans like Linda's friend to go to sleep every night with the confidence that they have the health care that they need.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people and why we need to pass health care reform now.

One of my constituents from Boulder, Colorado, John Toslosky, wrote to me the other day and asked that I share his story on the floor of the House.

For 18 months, John has continuously monitored a significant claim for their son. It was denied, which happens all too often. John called, and they reviewed their policy, and they stated over the phone that it was clearly covered. A week later, a denial letter came again. This process repeated itself over and over for 18 months. Every person they spoke with thought it was covered, and still, the machine of the insurer kept denying the claim.

Finally, John was told that it was too long since their last phone calls, that their calls didn't count as a challenge and their claim was permanently denied.

John had to threaten to sue and had his employer intercede. And guess what? The claim was promptly paid.

□ 2250

John guesses from this and other similar experiences what many of us conclude, that insurers routinely deny claims that should be covered. According to John, Knowing that few people have the time to follow up so diligently, and each person who gives up and just pays the erroneously denied claim creates greater profit for the insurer. This is an example of why, John writes, we need options that remove the insurer from the picture. We need a public option, or it isn't reform.

You know, I held about 22 town hall meetings in the month of August across Colorado, and at many of those I asked, How many of you, raise your hands, have had to battle with an insurance company over a denied claim? And at these meetings we had people from the left, people from the right, people from the middle, all across the great ideological spectrum that makes up our great Nation, and in every crowd, 80, 90 percent raised their hands and had witnessed, borne witness to that battle that John, in his case, successfully fought to have his son's claim paid.

Who gets the brunt of not having their claims paid? It is frequently the least empowered among us. John, who is college educated and works with an employer that was willing to stand up for him, was willing to get their claim accepted. What if you don't have a high school diploma? What if you're not fluent in the English language? What if you're not aware of your legal rights or ability to use the court system? It is to those who are least among us who feel the brunt of having their claims denied and whom the insurance companies assume will not lift a finger to fight back. That is why it's critical that we provide consumers with more choice through creating an exchange that gives each employee of a company insured through the exchange the choice of dozens of companies, including the public option.

You know, some people, rightfully or wrongfully, trust private, for-profit insurers more than they trust our government. Other Americans trust government more than they trust private insurers. With a public option as a choice, that value judgment, that normative judgment is up to you and no one else. You can choose to trust government or to trust your insurer. In John's case, and many others, they have been fed up with their experience with private, for-profit insurers. That's

one of the reasons we need to pass health care reform now.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories from my constituents in Colorado about why we need to pass health care reform.

One of my constituents from Boulder, Colorado, Spence Havler, wrote to me the other day. He wrote about his experience a few years back when he was visiting friends in France and his wife had an accident and acetone entered her eye. This was a very serious emergency situation that if not dealt with urgently and correctly could jeopardize her eyesight.

Their friends rushed them to a local ophthalmologist near Paris who immediately took her into his office. He had up-to-date, high-tech equipment to evaluate the condition of her eye, and his treatment was quick and effective. He also provided continued medication to speed the healing process. All of this, Spence writes, was free, absolutely no cost to a U.S. citizen under the French health care program.

Spence writes, I hope this personal account will be of use in your efforts. We are most grateful to the French policy and hope that America might find a way to provide similar benefits.

I have heard from many other constituents who have shared these stories of travels in Europe; and likewise, I have heard horror stories of visiting foreigners in our own land and their travails and shock when presented with high health care bills. The truth of the matter is we have a lot to learn from experiences in other countries.

America spends over 15 percent of our gross national product on health care. The average among the Western European countries in the industrialized world is 8 to 9 percent. Now, we spend nearly twice as much. Would it, per chance, be worth it if we were the longest lived and healthiest people on the planet? Perhaps. But we are not. We are in the middle of the pack. Many of these same countries that spend 8 to 9 percent of their gross national product on health care are healthier than us, have longer life spans than us, according to the World Health Organization.

Spence's point is valid. And while this particular set of reforms that we're presenting to the United States Congress is not like the French system, not like the German system, not like the Canadian system, not like the British system, it is a uniquely American system that embraces the power of free enterprise that makes America great, promotes competition among insurance companies through the exchange, provides a public option, provides affordability credits to help middle-income families afford health care. It is a uniquely American solution. It is the right solution, and I encourage my colleagues to support health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories from Colorado, stories from real people who wanted me to share with you why we need to pass health care reform.

I want to share with you the story of Joyce Essex of Colorado. Joyce has a concern for the many families like hers that are middle income. She is concerned about families that make $60,000, $80,000, $90,000 a year. Joyce is a retired teacher with 30 years, a decent pension. Her husband is a commissioned salesperson. They have a daughter in college. Their health care premiums are about $1,000 a month, and that doesn't include deductible amounts, drugs and copays and a TMJ disorder their daughter has. Their insurance has paid none of the $2,000 that they had to pay to get her help.

Right now, Joyce has 3 months of COBRA payment from her husband's job change, as well as their regular health premiums. Her husband and daughter are on a separate plan, her plan as a retired teacher. They work odd jobs for additional income, like a lot of families. But more and more, Joyce sees medical bills taking a huge bit out of their income. And remember, she and her family are healthy and insured.

Insurance, Joyce writes, is a necessary evil. Joyce writes that we should be sure that health care reform helps those of us that do not have excess money and who are not poor. We help so many in so many ways in this country. Help those of us, Joyce writes, who work hard, pay taxes, and appreciate the opportunities we have living in the United States of America.

Through health care reform, we will provide affordability credits in the House version of the bill. It goes up to 400 percent of the poverty level. For a family of four, that's up to $72,000 a year. So if a family of four is making $60,000 a year, $65,000 a year, $68,000 a year, they will receive affordability credits, vouchers that they will be able to use to choose the insurance of their choice from any of the insurance options within the exchange, including the public option. This would empower families like Joyce to consolidate, to be on the same plan, to have access to hundreds of choices where today, none, none exist.

Joyce has her retired teachers plan. Her husband, who switched jobs, is on the employer's plan. And for their daughter, they have to pay out of pocket for one plan or the other. Families like Joyce's will benefit tremendously from health care reform.

We are not just talking about the very poor. We are talking about middle class American families like Joyce's and reducing the cost of health care insurance and giving them the security so that they can go to bed every night without worrying about losing their health care.

Thank you, Mr. Speaker.

□ 2300

Mr. Speaker, I rise today to share with you stories from Colorado of real people, stories they shared with me of why we need to pass health care reform, stories I hold close to my heart as I do battle and encourage my colleagues to join in supporting President Obama's plan to improve health care in America.

Jeremy Johnson from Colorado wrote to me the other day. He was born in Denver and lived in Colorado most of his life. Last November, like a lot of Americans, he lost his job. Subsequently, Jeremy lost his health care.

That's the third time he has been laid off in his life. The first time he was unemployed because there were budget cuts at the University of Colorado, the flagship university in my district and, like a lot of public enterprises, had fallen upon hard times and budget cuts and Jeremy lost his job there. He then went into several temp jobs and was eventually hired into a permanent position with Citibank in the spring of 2006.

He became eligible for their benefits program and went on to their benefits program; but a year and a half later, they eliminated half of the people in his department and moved the rest to Maryland. Once again, Jeremy found himself unemployed and uninsured.

After searching for months for employment without success, he applied for part-time seasonal jobs with a large home furnishings retailer and started work there to pay bills. He was able to earn insurance benefits for 3 months, but he lost those benefits when he was laid off due to the economic impact on the industry and on retailing.

Now, shortly after his most recent layoff, Jeremy was diagnosed with a medical condition. He is afraid that when he finally gets insurance again, the treatment for that condition, the very condition he needs medical care for, will not be covered because it will be considered a preexisting condition.

Jeremy is an athlete. He considers his health important. He has competed in the AIDS/LifeCycle from San Francisco to L.A. 2 years in a row. He has raised thousands of dollars for good causes through his races, raised money, ironically, for treatment for people who are not covered by our current health care system. Yet Jeremy himself lacks coverage through no fault of his own.

What we accomplish in health care reform is encourage employers to provide health care, give them access to exchanges, provide affordability credits. For individuals earning up to $41,000, $42,000 a year, they will receive affordability credit to take to the insurance provider of their choice to acquire insurance.

Health care will become more mobile through the exchanges. Jeremy and millions like him will be able to take health care from one employer to the other through the exchange.

We owe to America that the millions of people in Jeremy's condition shouldn't need to worry about where their health care will come from should they suffer from an illness, have

to worry about having a string of bad luck and layoffs because of the recession or job relocations. By passing health care reform today, we can give Jeremy and the millions like him the health care that they need to contribute to our great Nation.

Thank you, Mr. Speaker.

Mr. Speaker, I want to share with you a story that one of my constituents wrote from Colorado and asked that I share with you on the floor of the House of Representatives. She doesn't want her name to be used but wanted the power of her words to empower me to convince my colleagues of the urgent need to pass health care reform.

Her partner was recently diagnosed with stage 3 breast cancer. At that time she was working at Regis University, a private university which provided insurance but didn't offer it to domestic partners.

With the use of her flexible spending account, she was able to get her to a doctor. That doctor refused to diagnose her, not for some nefarious reason. He refused to diagnose her out of the goodness of his heart. How ironic. Why? Because he knew that she would get lost in the system and be refused treatment due to no insurance if she was labeled, labeled with the scarlet letter of a preexisting condition of breast cancer.

Fortunately, this woman's partner did survive and win the battle with cancer. She was given the opportunity to be diagnosed by a referral from this doctor to a clinic who helped women with breast cancer.

Now, I can't tell you whether what that doctor said or did was legal or illegal in not giving the right diagnosis, but I can tell you that that doctor did the right thing. I can tell you what the wrong thing is. It is putting a doctor in that situation where they have to deny and not give the very diagnosis that they know is medically accurate, because they know that the very diagnosis and the act of giving it could be a death sentence for their patient.

''Do no harm'' is the oath that doctors take, and the doctor that didn't diagnose this woman's partner upheld the highest and truest form of that oath in not making that diagnosis and allowing her partner to live.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado and why we need to pass health care reform in this body. I had hundreds of constituents share their very personal stories with me. One of them, Mary Jo Schoolmaster from Colorado Springs. She and her husband are both retired teachers.

In 2004, he suffered a brain stem bleed that hospitalized him for 5 months: surgery, pneumonia, feeding tube, terrible, terrible ordeal. He came home and with stubborn determination he regained 95 percent of his functionality. He returned to work in 2005 as a dean of students and as a football coach.

After retiring in 2006, he had a second bleed. He spent a full year in and out of hospitals, acute long-term care, in-patient rehab. He couldn't walk, eat, sit up or use his left side. He was on oxygen, had a feeding tube. Mary Jo writes that she was among one of the lucky ones that had insurance. They said it's been a constant battle to receive the benefits that he was entitled to, and he required her to become an advocate every step of the way.

You know, I have had a series of town hall meetings, about 22 of them in the month of August across my district, and I would ask at those town hall meetings how many of you have had to fight denied claims of your insurance companies. It was an ideologically diverse crowd, maybe a third against any kind of health care reform, a third for single payer and a third somewhere in the middle. Eighty, ninety percent of the crowd, regardless of their ideology or their party, raised their hand and said I have been there, I have had to fight a denied claim of my insurance provider.

Well, Mary Jo had to do that on behalf of her husband, had to fight every day to ensure that those bills were paid. Mary Jo is hopeful that health care reform changes this scenario for her and millions of others. We need choices, Mary Jo writes, and competition to force insurance companies to be transparent, not against us, every step of the way.

Mary Jo is right. What this bill accomplishes is it provides competition among the insurance industry through the exchanges that are being created. With the public option, insurance companies in some markets for the first time ever will face real competition. Those who delay, who fight or who are bad at paying claims will quickly lose customers to leaner and more efficient insurance providers.

That, Mr. Speaker, is why we urgently need to pass health care reform in this body, to ensure that people like Mary Jo and millions of other Americans don't have to fight their insurance companies every day. Because when we have this kind of scenario, who gets the short end of the stick? It's those who are not empowered and able to fight their insurance companies on denied claims.

What about if Mary Jo hadn't graduated high school? What about if Mary Jo wasn't fluent in English? Mary Jo was a retired school teacher. She knew what she had to do to advocate forcefully on behalf of her husband to ensure that all of us who have policies get what we are paying for. We need to make insurance companies answerable, and that's why we need to pass comprehensive health care reform.

Mr. Speaker, I yield back.

COST OF HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for the time remaining until midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to be able to address you here on the floor of the House of Representatives and raise some of these issues that are so important and critical to the American people.

As I have listened to the last hour, I can't help but bring myself to comment a little bit on that delivery, and I would speak to the last 50 minutes or so of it specifically, that is, that we are a great Nation because we have understood the principles that motivate the American people to come forward and do the right thing and to take personal responsibility and be productive and to negotiate for a good value for their health insurance dollar and to manage their health in a way and set up a system so that they are rewarded for high responsibility and that there is a penalty there for a low level of responsibility.

□ 2310

Some of us, in fact a lot of us on this side of the aisle, have laid out data set after data set that shows what motivates the American people to do the right thing, and also provided the disincentives, described the disincentives when people don't do the right thing.

It never ceases to amaze me how the other side of the aisle seems to want to focus on anecdotes, not facts, and we can reflect back upon the immigration subcommittee where we had hearing after hearing, witness after witness, anecdote after anecdote.

Mr. Speaker, even in the perfect model of Utopia, there will always be an individual that slips through a crack, whether we can imagine what it was beforehand or not. We can always take that individual's story and use it and say, this illuminates the whole.

The gentleman from Colorado has now delivered about 50 or 55 minutes of individual case after individual case, and I am sure every one of us in our district have dozens and hundreds of those kinds of cases. But as I have listened to this last hour, I have heard not one statistic, not one piece of data, nothing based on empirical information that one should be able to take and establish a national policy off of.

Surely, as a nation, we are not the kind of people that listen to an anecdote and knee-jerk our way towards a national policy, believing somehow that if we can solve the problem of this individual, we can solve the problem of the whole. We do that with data, we do that with statistics, we do it with facts, and we do it with good, sound judgment that illuminates the facts that lie underneath those data points.

But as I mentioned, in that immigration subcommittee, it went on for weeks of hearings, introducing study after study, data after data, and always calling for, where are your studies on the other side? Show me the data.

Finally there was a report that was introduced into the record. And as the Chair asked unanimous consent to introduce the report into the record, I

thought, finally, finally I am going to get my hands on a report. I am going to understand how they do an analysis and how they look at the data and how they come to a conclusion, because we come to opposite conclusions quite often. On the critical issues we always come to opposite conclusions. So I want to see the data.

I got my hands on the data. This report that was introduced into the record as a response to my call for ''show me your report, show me your study, show me your data,'' when I got my hands on it, it wasn't a report at all. It was simply a critique that was written of a report that I had introduced into the record some weeks earlier. That was what substituted for facts.

Now, here we have 50 to 55 minutes of individual anecdotes, sad as they may be. But there may well be other solutions, and there may be more people hurt off of this, rather than less people hurt, if we adopt the policy that is advocated by the President of the United States and by the gentleman from Colorado.

So, Mr. Speaker, I do have some data, but I also first would like to lay a little backdrop of what we are talking about here, the health care reform debate.

This is a little bit of the history of the health care reform debate. This is lifted out of the archives of the New York Times from back in 1993–94. It is a replica of the chart that I had on my construction office wall for some years, by the way, and this is a chart that scared the living daylights out of me.

When I saw the government that was created by HillaryCare, we called it then, this is what scared the Senate and the House of Representatives off of a national health care act, creating all these new government programs. Just a look at the chart. You didn't have to study it, although I did study it, to understand how big of an impact it would have on our economy.

Now, this economy, maybe 14.5 percent of our GDP is spent on health care. It might be higher than that. But this black-and-white chart, Mr. Speaker, is relatively mild, although this black-and-white chart, HillaryCare, is a complete government takeover of our health care system.

This, Mr. Speaker, is a gradual complete takeover of our health care system in the United States. This lays out all of these new agencies and departments, all of those in color. Those in white are existing. Those in color are created by H.R. 3200, the House's version of the bill. It is scary in and of itself.

The focus I would bring on this, Mr. Speaker, is here to the private insurers. The President has said we need more competition, more competition for the 1,300 health insurance companies in the United States; more competition for the 100,000, and that is this box here, different varieties of policies one can purchase here in the United States.

Why would we need more competition if we had 1,300 companies and 100,000 policy varieties, unless you happened to just believe that the Federal Government should be running things? If that is the case, you would put them in the business to compete against them, and we would have in theory 1,301 health insurance companies and 100,000 and who knows how many policies.

But truthfully, these two white boxes, the insurance companies that exist, the health insurance policies that exist, they would have to qualify. They would have a 5-year period of time, according to the bill, in order to qualify for the new qualified health benefits plans that would be established. And the rules that would be written for an insurance company to qualify and for their policies to qualify, it would be written right here in this box, in the health choices administration by the health choices commissioner, who would set the new rules for all of these policies and companies.

And these policies and companies, all of them would not qualify. The companies wouldn't all qualify, the policies would not all qualify. If they did, there would be no reason to have the regulator write the new set of rules.

So we do have an individual who has really driven this issue of how we set up competition between the health insurance companies, and that is to allow the American people to buy health insurance across State lines. I just have to thank and congratulate JOHN SHADEGG for being the driver of that idea and that issue for several years here in the House of Representatives.

He is with us tonight, and I would be glad to yield to the leader of the Shadegg bill, I call it, to sell insurance across State lines and set up competition in that fashion, in the Federalist model of States competing against States from the private-sector perspective, the gentleman from Arizona, JOHN SHADEGG.

Mr. SHADEGG. I thank the gentleman for yielding and I appreciate that compliment. It is kind of exciting to know that more and more people here in America are discussing the idea of selling or making available insurance across State lines, because that would be competition, real competition, and would drive down the cost of health insurance for all Americans.

Indeed, we have a study that shows that literally millions of additional Americans could afford health insurance without the expenditure of a dime of public money if you allowed policies to be sold across State lines. Unfortunately, the current Congress doesn't seem to be interested in that idea, and we were not able to get it through when the Republicans were in power. But maybe that idea's time is coming.

I do note that the White House and the President have both talked about the lack of competition in the individual market. Indeed, in this very Chamber the President talked about how, I believe he said in Mississippi, 75 percent of the policies are sold by only five companies, and I think he said in Alabama, 95 percent of the health insurance policies, and I think that had to have been in the individual market, though the President didn't say it, are sold by just five companies. That kind of narrow competition does not bring down costs, and, as the gentleman indicated, allowing the sale of health insurance across State lines would do that.

My bill actually doesn't allow the sale of health insurance across State lines. What it says is, you can file a policy in one State, have it qualify with the laws of that State, then file it and sell it in all 49 other States. It means you could bring a policy to the market in all 50 States for a fraction of what it costs today, but it also means that you could pick a State with a modest level of so-called mandates or benefit mandates, perhaps a State that didn't mandate for a hair prosthesis or a State that didn't mandate aroma therapy or a State that didn't mandate some other esoteric type of treatment. And, of course, every mandate adds to the cost of the policy.

So I thank the gentleman for referring to that. I appreciate the charts he has put up in front of the people.

I really want to get a dialogue going about the shocking, and I mean shocking things that have developed on health care just in the last four or five days.

□ 2320

And let me just mention those three or four items briefly, and then maybe we can get a dialogue going and talk back and forth about them.

First, we had the CBO score of the Baucus bill. Wow. Our colleagues on the other side of the aisle, Democrats in the Senate were high-fiving each other. Oh, my gosh. They had a score of only $829 billion. I wonder if the gentleman realizes that the CBO scored that bill counting 10 years of revenue from the taxes but only 7 years of expenditures? Under the Baucus bill, taxes start in 2010; expenditures for the program costs don't begin till 2013. So when CBO scored, it scored it for 10 years, beginning in 2010, ending in 2020. They counted 10 years of revenues, 7 years of outlay. I went home to my wife and said, even the Shadegg family budget would look good, even the Shadegg family budget would look good if we could count 10 years of my salary and her salary or our income and only 7 years of our family outlays. That's scandal number one. They get better.

Scandal number two, we discovered that HARRY REID, HARRY REID, majority leader of the United States Senate, found out that under this bill, because the cost of Medicaid is going to be increased dramatically, the size of the Medicaid program's going to be increased dramatically, that the burden paid by the individual States would go up quite significantly, including on Nevada. As it turns out, HARRY REID's up

for reelection this year and he says, whoa, whoa, whoa. As your Senate leader, I can't be hurting the State of Nevada. So he got an exemption. Interestingly, not an exemption for all 50 States. No exemption, for example, for Iowa where the gentleman's from. No exemption for the State of Arizona where I'm from. He got an exemption for Nevada and three other States—Oregon, Rhode Island and Michigan—under which the Federal Government will pay the State's share of Medicaid, if this bill passes, for the next 5 years. Just a little perk for a powerful United States Senator like HARRY REID.

You know, it occurs to me, and I'll go through these other scandals very quickly, but what we're really getting here is we're not just getting single-payer care. We're getting full-on Russian gulag, Soviet-style gulag health care, because under these plans it won't matter so much that you live in America. It will matter whether you live in the State that's represented by a powerful Senator or perhaps a powerful Congressman, because we just learned HARRY REID has just protected the people of Nevada and three other States from having to pay their share of the Medicaid expenses.

But wait, as they say in the advertising world, there is more, because, as you know, the funding mechanism in the Baucus bill says we're going to impose a surcharge, a surcharge on very expensive gold-plated health care plans. Got to tax those expensive health care plans. Well, CHUCK SCHUMER, little CHUCKIE SCHUMER of New York, United States Senator, said, wait, that surcharge might apply to my constituents in New York. I can't have that.

So Senator SCHUMER, in the give-and-take of politics in America, if we're going to have political health care, by gosh we're going to have really political health care. He said, no, no, no. We'll allow that surcharge, which is a 40 percent tax on policies that cost over 21,000. We'll allow that to be the law in Kentucky or in Arizona or in Iowa, where the gentleman's from, but no, no, no, not in New York. In New York, we won't let the surcharge kick in until the policy costs $24,000. And in Massachusetts, it won't kick in until the policy costs $25,000. So, if you're lucky enough to live in the State where you have a powerful Senator, like CHUCK SCHUMER, you can get it so that your luxury tax won't kick in until your policy costs $24,000 or $25,000, unlike the poor sap who lives in Arizona or Iowa or Kentucky where the luxury tax kicks in at $21,000.

Ladies and gentlemen of America, you want political health care? You want politicians in charge of health care? By gosh, you're going to get it, because that is politics American style. It is as corrupt as it can get, where politicians like HARRY REID, powerful, can protect their State, CHUCK SCHUMER, powerful, can protect their constituents. But as they say in the marketing business, but wait, there is more, because our famous United States Senator from New Jersey, Senator BOB MENENDEZ, that wasn't good enough for him.

BOB MENENDEZ represents a State where there's a lot of health care, a lot of health care drug companies that manufacture pharmaceuticals. Senator MENENDEZ, they wanted his vote. He negotiated a deal. He got a $1 billion tax credit into this bill, into the Baucus bill, for investments in drug research and development. By all means, let's protect New Jersey because BOB MENENDEZ's vote is needed. But wait. There is more, because in the political world of political health care, if we're going to politicize health care, if we're going to give the politicians control of our health care from border to border, coast to shining coast, or sea to shining sea, by gosh, that isn't enough.

So DEBBIE STABENOW of Michigan and JOHN KERRY of Massachusetts said, you know, this health care could be really expensive and we have lots of union workers in our States, in Michigan and in Massachusetts. DEBBIE STABENOW, JOHN KERRY, they've got just a small little piece in the bill, you know, we're going to play a little politics with health care, why not play a little politics. They got—they make BOB MENENDEZ look like a piker. They got 5 billion, count them, $5 billion into the bill to defray the cost of medical care for union workers.

Now, if you happen to be a right-to-work State like Arizona where we don't have many union workers, well, that's just too bad. You don't get the benefit of that $5 billion. But if you're a union worker, DEBBIE STABENOW and JOHN KERRY are making sure that those poor saps in Iowa that aren't union members and those poor saps in Arizona who aren't union members get to chip in an extra $5 billion for the union members in Michigan and Massachusetts.

Not to be outdone, MARK UDALL of Colorado, he comes in and says, well, this may be round one where we negotiate amongst the members of the committee that the bill's going through right now, but trust me, if HARRY REID has gotten a provision in there saying that Nevada doesn't have to pay the State share of Medicaid, by God, I, MARK UDALL, am going to fight for the same provision for my State of Colorado.

So there you have it, ladies and gentlemen. Don't believe me. This, all of what I've just recited for you, comes from the Wall Street Journal, an article called States of Personal Privilege by Kimberly Strassel. It appeared in last Friday's Wall Street Journal. You can Google it. You can pick up the phone and call Kim Strassel. You can ask her about Soviet-style gulag health care in America, where powerful politicians protect their constituents. But if we're going to have socialized medicine, if we're going to have government-run—the Hillary Clinton was an overnight takeover of health care by the government. The current version, ObamaCare, is a gradual takeover.

Trust me, the minute you take power away from the people and give it to Washington politicians, you get real sweet deals. Powerful HARRY REID protects Nevada. Powerful CHUCK SCHUMER protects New York. Powerful BOB MENENDEZ protects New Jersey. Powerful DEBBIE STABENOW and JOHN KERRY protect Michigan and Massachusetts, and at least MARK UDALL, kind of a pup in all of this, little bit young, not seasoned and powerful yet, he's going to try to protect the people of Colorado.

Political health care, here we come. What you pay for health care in America once this bill is law won't depend so much on the bill as on whether or not you've got a powerful United States Senator or a poor sap United States Senator who can't pull the levers of power and get done what you want. And I guess I'm just interested in what the gentleman from Iowa thinks about these lovely little scandals that are going on.

And oh, by the way, these are the politics they're playing while there's sunshine. Imagine when this bill gets kind of behind the smoke screen rooms and the President's new health care czar is implementing the policies that make that chart possible. And I'd be interested in the gentleman's reaction.

□ 2330

Mr. KING of Iowa. Reclaiming my time, I am astonished to a significant degree here at the depth of this, and I didn't catch that article coming into it over the weekend, so this unfolds as new news to me, at least in the composite. Some of the pieces I picked up.

It is breathtaking in its scope when you add up the billion of dollars, the audacity. The President likes to use the term ''audacity'': The Audacity of Hope. How about the audacity of political health care, the patronage that comes with this?

Mr. SHADEGG. Hey, the audacity of power. HARRY REID can do it because he's HARRY REID. And if that's too bad for the people of 46 other States because they get to subsidize the people who live in HARRY REID's State, I guess HARRY REID's answer is, That's just too bad.

Mr. KING of Iowa. I pull this back and I look at item number one, the CBO scoring the bill in 7 years of expenses in 10 years of revenue in order to get it to turn out so it doesn't violate the President's pledge; and I am wondering if these carve-outs that come for these powerful Senators like HARRY REID and others when they're carved out from their Medicaid costs so that the Federal Government will have to pick up the tab for the Medicaid increases that come with the bill, and I am wondering if those increases are scored against this bill. I am going to suspect they're not because we're only scoring on concepts.

Mr. SHADEGG. I think maybe your suspicion is correct.

But I can tell you this much: If you and I started a small business and we decided we'd do a stock offering and we presented a portfolio to our potential investors and said, Here's a picture of what our company is going to look at financially, and we included 10 years of projected revenue, but only 7 years of what we thought would be our expenses, you know where we'd go? We'd go to prison. We'd go to prison if we did that.

But not MAX BAUCUS. He can score 10 years of revenue against 7 years of expenditure, and they're all high-fiving each other. I said in my press release it makes the Enron accounting look reasonable and prudent when you score something like that.

I've got to tell you, I don't know a business in America that wouldn't look pretty darn good if you scored—if you counted only 7 years of expenditures against 10 years of income. But that's what Mr. BAUCUS did.

And the American people—and only in Disneyland-on-the-Potomac, only here in this crazy city called Washington where what the government says is reality—notwithstanding its tea leaf reading—only here could you have a score that counted 10 years of revenue against 7 years of expenditures taken seriously. But by God, MAX BAUCUS is being taken seriously in that club they call the United States Senate across the way.

Mr. KING of Iowa. As I listen and I reflect back in those first years when I got to know who JOHN SHADEGG was—and I remember discussions here on the floor as I was watching on C–SPAN—and I believe one can go back and review the CONGRESSIONAL RECORD and be able to hear the criticism that you and others have made about Democrats declaring that a reduction in the anticipated increase was a cut.

And so the reduction in the anticipated increase was called a cut by Democrats, and that was exposed—at least to thinking people in America—and now we have a CBO, the revered, nonpartisan CBO scoring an $829 billion bill and scoring that bill over a 10-year period of time by totaling up 7 years of expenses and 10 years of revenue. It's the same kind of sleight of hand, only this isn't just political sleight of hand; this is a nonpartisan Congressional Budget Office sleight of hand.

And it has to be, I think, with the directions that come from the White House and MAX BAUCUS. And as I understand it, there still is not a bill. We've only amended the concept to the point where we have the amended concepts that were voted on today coming out of the Finance Committee in the Senate.

Mr. SHADEGG. You just made an interesting point.

I tell you, I have been here over 14 years, and when they started talking about the Baucus bill moving forward and it was getting close to being adopted and they were offering amendments to it, naive me, I work in the House where we actually have legislative language, I called my health care staff one day—I was in Arizona and they were out here—I called them from Arizona and I said, Hey, get me a copy of the Baucus bill. And they said, Well, um, uh, Congressman, um, uh, we can't get you the Baucus bill. We can only get you the chairman's mark. And here on the House side the chairman's mark is a copy of the bill.

I said, Fine. Get me the chairman's mark. I want to see what the bill says.

My staff said, Well, one little slight problem, Congressman. Over there in the Senate they do it different. The chairman's mark in the Senate, Mr. BAUCUS' chairman's mark is just a conceptual document. It's stunning.

But, oh, by the way, we talk about scoring 10 years of revenue and 7 years of expenses, the kind of Disneyland-on-the-Potomac world we live in says, for example, in that bill that we're going to save somewhere in the neighborhood of $400 billion from Medicare. Now, I heard the President stand in front of this room and say, By God, there will be no cuts to Medicare. But interestingly, they get I think about $170 billion of those cuts by saying they're going to cut the money that is provided to doctors and hospitals and labs.

Now, that's kind of interesting. We're going to cut how much money we give to doctors, hospitals, and labs under Medicare. As the gentleman from Iowa knows, we have been supposed to have done that every year since, I think, 1995 or 1996. We have never once actually done it. But in this bill, here in Disneyland-on-the-Potomac, they're counting as real savings—although we've never cut those reimbursements between 1995 and today—somehow, tomorrow, when this bill is put into effect and tomorrow for the scoring of the bill as only $829 billion, we're actually going to put those cuts into effect. They've never happened in the past, but suddenly they're saying they will happen in the future.

Mr. KING of Iowa. And when it comes to the Medicare as the proposal has been, as I understand the conceptual proposal in the Senate since there is no specific language to look at—and I've not looked at the line items that CBO is scoring, and there may not be any, actually—but the proposal here in the House was to cut Medicare about $500 billion over a period of 10 years. But there was going to be savings from waste, fraud, and abuse to the tune of some hundreds of billions of dollars.

And it's almost as if we can't fix the waste, fraud, and abuse unless we first pass a proposal that will take us to a national takeover of our health care industry. One would think if you're going to be a responsible government, you wouldn't hold responsibility hostage to passing a bill that America doesn't want.

Mr. SHADEGG. The gentleman isn't truly suggesting that we're not going to—having talked about cutting waste, fraud, and abuse for maybe the last 50–100 years—that we're not actually going to do it under this bill? Well, of course we are. Mr. BAUCUS says we are. The House Democrats say we are.

Well, if they say we're going to cut waste, fraud, and abuse, by all means we'll cut waste, fraud, and abuse; and we'll produce all of those savings that they need to pay for this bill.

Mr. KING of Iowa. Since we don't have any specific language and we don't have any specific approach. So cutting waste, fat, fraud, and abuse will happen even less effectively than it has in the past.

And the Medicare component of this, too, the reimbursement rates across the country unbalanced are only being reimbursed at about 80 percent of the cost of delivering those services.

Mr. SHADEGG. So they shift those costs to private care, but under this bill—of course they're going to wipe out private care—where are they going to shift the costs then?

Mr. KING of Iowa. It has to go to the taxpayers eventually; borrowed money is where it will end up. This bill—there's another component of this that is not going to be addressed.

Now, they are scoring the waste, fraud, and abuse component part of this to get this up to meet the President's pledge. There is nothing in the bill, not one penny in the bill, of a reduction of the worst waste, fraud, and abuse, and that is lawsuit abuse that takes place across this country.

The numbers that we have seen, the health insurance underwriters have put out a number—this is verbal, not in print—8½ percent of all of our health care costs are wrapped up in the costs of medical malpractice and defensive medicine, unnecessary tests, and also malpractice insurance premiums, 8½ percent. If you calculate 8½ percent across the cost of our health care, that comes to $203 billion a year, or CBO, if they were to score that revenue or expenses, I suppose—I don't know which—but let's say it's 10 years, that's $2 trillion that—that's on the way outside that could be saved if we address lawsuit abuse and reform it as we did in this House. And it failed in the Senate because the trial lawyers are able to block anything that comes through the Senate or the House today.

There is also a number that came out from Pricewaterhouse Coopers that 10 percent, slightly more than 10 percent actually, of the overall costs of health care were being wrapped up in medical malpractice premiums and the litigation that's associated with that and the defensive medicine.

□ 2340

So if we really wanted to fix some health care costs, we would go after tort reform.

Mr. SHADEGG. I'm glad the gentleman brought that up. I view this as a Paul Revere moment. The reality is America needs to know this legislation, without one word of tort reform, this bill, this massive government

takeover of health care, with the corruption I have just listed, HARRY REID protecting Nevada, CHUCK SCHUMER protecting New York, BOB MENENDEZ protecting New Jersey, DEBORAH STABENOW and JOHN KERRY protecting Michigan and Massachusetts, with all that political corruption coming into the health care system, it will pass without a word, not a word of tort reform, unless the American people speak out.

ANNOUNCEMENT BY THE CHAIR

The SPEAKER pro tempore (Mr. PERRIELLO). The Chair would remind Members to refrain from personal references to Members of the Senate.

PARLIAMENTARY INQUIRY

Mr. KING of Iowa. To the Speaker, a parliamentary inquiry. I believe that we had a rule change a few years ago that amended that language in the rules that allowed an individual to address Members of the Senate by their name. Could you verify that, Mr. Speaker?

The SPEAKER pro tempore. Members are free to debate policies of Members of the other body but must refrain from personal references.

The gentleman may proceed.

Mr. KING of Iowa. Mr. Speaker, further parliamentary inquiry. I would just like to put into the RECORD I'm referring to the Feeney rule, and I think the Feeney rule should be upheld. And I know we can carry on this dialogue without referencing people specifically, but I believe the rules have been amended unless they have since been amended afterwards. Could you verify that?

The SPEAKER pro tempore. Members may reference particular Senators, but may not engage in personalities toward them.

The gentleman may proceed.

Mr. KING of Iowa. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. SHADEGG. I certainly don't think anything has been personal. They have been just factual about policies pursued.

I simply want to say that the gentleman is absolutely right about the desperate and crying need for tort reform in this legislation. The gentleman used various statistics about the cost of defensive medicine or lawsuit abuse. Now I will tell the gentleman that in my discussions with individuals in Arizona, I have been told that, indeed by insurance brokers, it's their belief that as much as 35 percent, as much as 35 percent of all health care bills in America can be traced back to the tort system, that meaning the cost of malpractice insurance for doctors, a very, very high number, climbing higher every year, and the cost of defensive medicine.

It is really important for people to understand what we mean when we talk about the cost of defensive medicine and what it really means for their health care. What it means is that your doctor is often compelled, indeed, probably every day, compelled to order tests or procedures or evaluations that he or she doesn't necessarily think you need, but if that doctor doesn't order them and gets second-guessed by a trial lawyer later, it could mean financial ruin for them.

I had a medical doctor come in to visit me yesterday afternoon. Even though it was Columbus Day, I scheduled some office hours. I happened to meet with him at 5:30 last night. He practices in Scottsdale, Arizona. He said that time after time after time after time, he will get a chart where they have ordered that certain procedures be conducted, for example an expensive CAT scan, when he thought an x-ray would do, and he must order what he has been told to order and spend the money, or there's the risk that the lawyer will come along later and sue him.

Interestingly, I often tell a story about growing up in Phoenix and being involved in a Boy Scout troop. One of the other young men in the Boy Scout troop, his father was a medical doctor. His father, the medical doctor, he explained to me years later, knew just about all of his patients personally. And if they called on a Tuesday night at quarter to 12 or on a Saturday afternoon at 2:30, he would take their call, because he knew those patients, and those patients came to him out of choice. They didn't come because their employer picked the plan, or some plan hired the doctor. They had an indemnity insurance plan, and they came to that doctor because they chose that doctor. But also if they called on a Tuesday night at quarter to 12 or a Saturday afternoon at 2:30 and said they had a problem, that doctor, his father, would often call in a prescription to try to help them with their problem.

What has happened to that aspect of health care in America today with the current tort system we have? It's gone. Your doctor won't even think about calling for a prescription for you based on a conversation over the phone because he or she, your doctor, knows if that turns out not to be the right answer, his or her socks will be sued off, to use a phrase, by some waiting trial lawyer.

But is there a word of tort reform to limit that cost in this bill, where it's 8 percent or 10 percent or 35 percent? Not one word in this legislation. We're going to throw the entire baby out with the bath water, completely throw away the health care Americans have come to trust and rely on out the window and replace it with a new government-run system because, after all, everybody knows the bureaucrats and the politicians in Washington have all the answers, and we're not going to put a word in there about tort reform.

In my committee, in the Commerce Committee, we offered amendments to put in a little bit of tort reform, rejected. In the Education and Labor Committee where the bill was considered, there was an amendment offered to limit damages or to put in some tort reform, rejected. In the Ways and Means Committee, an amendment was offered, rejected.

The current team is not about to allow tort reform to occur in this legislation. And so we will throw out the current health care system in America in the next few weeks. We will replace it with a whole new system, disrupt everybody's plan, and we won't even have gone after one of the biggest cost drivers, excessive lawsuits.

Mr. KING of Iowa. Reclaiming my time, we will go up through these numbers. I want to agree with the gentleman with numbers as high as 35 percent or even higher that go into the tort reform, the lawsuit abuse category. The lowest number I pick up is 5.5 percent of all medical costs, then the 8.5 percent from health insurance underwriters, then the 10 percent of PriceWaterhouseCoopers, and then there's an aggregate of providers out of Iowa that sat down and presented to me a 20 to 28 percent calculation that they had that was the cost of the lawsuit abuse and defensive medicine.

And then those numbers go on up, as the gentleman from Arizona said, 35 percent. I talked to an orthopedic surgeon a week or two ago who told me that 95 percent of the tests that he runs, MRIs I believe he said, are unnecessary. And he knows they are unnecessary, but he has to order them on everyone, every injury, in order to protect himself from that single trial lawyer that will come in and file a lawsuit. Over the course of his practice, it was $1 million a year that was unnecessarily spent on tests in one single practice that he described as a small practice, that I see it as quite a respectably sized practice.

But in throwing the baby out with the bath water, I'm going to see your doctor and raise you a nurse.

This is very close to the family anecdote that took place just last weekend. A little child was sick, and his mother called in. We live in a rural area so we have hospitals in our county seats. She called the county seat hospital and said, here are the conditions of my child. Should I bring this child into the hospital or should I treat him with some aspirin and maybe watch his temperature? And the nurse that was on call said, I can't advise you because—she didn't go on much further than that, but we all know why. She couldn't advise the mother because of the potential for a lawsuit.

Then the mother said to the nurse over the phone holding a sick child, who is the doctor that's on call? We don't always have doctors in great numbers, but we should know who the doctor is on call. And if that doctor is this baby's doctor, then the mother would have taken the baby in. The nurse was even prohibited from telling the mother who the doctor was that was on call at the hospital because I suppose of some imagined lawsuit abuse that is out there.

This country has been so shut down by the abusive lawsuits. And we have

lost our good judgment. We have the HIPAA Act now where we can't find out who is in the hospital so you can go visit them. You can go up to the visitors' center and ask and they can't tell you. And if a nurse can't tell a mother, bring the child in or not, what's its temperature, give the child an aspirin, call me back in 2 hours, tell me how you're doing, if a doctor can't even let his name go out that he's on call, you have to go to the hospital to find out where you walk into the confines of the hospital where apparently those confines then are more regulated, more controlled and more structured in order to prevent the lawsuit abuse.

□ 2350

This $200 billion, $203 billion a year, and that's at 8.5 percent. If you run this on up to Mr. SHADEGG's number of 35 percent, I don't have that number, but $200 at a little over 10 percent, so you would be somewhere around—could be as high as $1 trillion a year on the outside of the cost of litigation in this country. And it's being paid by people across this country, and not one dollar is being addressed by the Democrats.

I would just suggest that we have a lot of solutions. One of the solutions that Mr. SHADEGG has introduced about selling insurance across State lines, some of the data that came out of similar policies with different mandates in it, a young man, 25 years old, could buy a policy in New Jersey for $6,000 a year. A similar policy in Kentucky would cost him $1,000 a year. Where would you put your money if you had the choice? I would buy the policy in Kentucky.

I want to be able to preserve the catastrophic insurance component of this. I want to be able to expand health savings accounts. But my list of things we need to do to reconstruct this health care system recognizes that we have consumers. We need to maintain personal responsibility. We've talked about fixing the tort reform component of this which we did pass out of this House at a $250,000 cap on noneconomic damages modeled after California, modeled in Texas, I believe, modeled after that as well. They're doing well, especially in Texas.

Buying insurance across State lines. Portability, so you own your policy and you can take it with you and you're not tied and strapped to your job.

Full deductibility of health insurance premiums. How can it be that an employer, a large corporation, for example, can deduct 100 percent of the health insurance premiums even on the Cadillac policies—which I don't particularly object to—and ma and pa can't do that? If they're self-employed, if they're a sole proprietorship, if they're a partnership, if they don't have themselves set up on a wage and a benefit plan within a corporation, they can't fully deduct their health insurance premiums. If any entity can deduct a health insurance premium, every entity should be able to deduct a health insurance premium. And the numbers that I have seen on that is that it would increase our insured by about 1 million people a year.

And we need to expand association health care plans, expand the health savings accounts. And we ran some numbers on that a couple of years ago. If a young couple had started with HSAs when we passed them here in 2003, maxed out at $5,150 for the couple a year, spent $2,000 a year out in normal health care costs, in accruing at 4 percent a year—which will be logical by the time we get there; it may not be today—they would arrive at retirement with about $950,000 in their health savings account, almost $1 million. Well, why wouldn't we let them buy a Medicare replacement policy and give them the rest of it tax free for their own retirement or to will to their children? We need to tie this together, health savings accounts with retirement accounts, and get people off the entitlement rolls.

Transparency in our billings and electronic medical records.

Mr. SHADEGG. If the gentleman would yield?

Mr. KING of Iowa. I would yield.

Mr. SHADEGG. I made the point earlier about this bill being the imposition of politics or special power and privileges imposed on health care in America. And I guess there was some question of whether or not it was appropriate to criticize the politicization of this legislation, the so-called Baucus bill. I held up the article from which I drew those examples, and I just want to read them so that everybody will understand it's not a personal attack by me. These are just, as they say, the facts, like Sergeant Joe Friday used to say on ''Dragnet.''

Kim Strassel points out, first of all, a central feature of the Baucus bill is the vast expansion of State Medicaid programs—I am quoting from the article. ''The provision has angered Governors, since the Federal Government will cover only part of the expansion and stick fiscally strapped States with an additional $37 billion in costs.''

It then goes on to explain, that troubled Senate Majority Leader HARRY REID of Nevada, she says, ''who is worried about losing his seat next year, worked out a deal by which the Federal Government will pay all of''—and I am reading in quotes the article—''his home State's additional Medicaid expenses for the next 5 years. Under the majority leader's very special formula, only three other States—Oregon, Rhode Island and Michigan—qualify for this perk.'' So there is the first example of political health care, or of politically driven health care, special perks and privileges for four States.

It then goes on to say, ''Mr. BAUCUS's legislation would tax high-value insurance plans—a 40-percent tax on plans that cost more than $21,000 a year.'' The article proceeds, ''Senator Chuck Schumer didn't want a lot of angry overtaxed New Yorkers on his hands,'' and I am quoting, ''so he and other similarly situated Democrats carved out a deal''—not my word, the article's word—''a deal by which the threshold for this tax will be higher in their States. If you live in Kentucky,'' says the article, ''you get taxed at $21,000. If you live in Massachusetts, you don't get taxed until $25,000.'' There again, another special little perk, politicians protecting their own inserted into the bill—not my words, but the article.

''And Senator Bob Menendez, of the Garden State, seems concerned that his home-State employers are going to struggle to both pay their Federal liabilities and to continue to grow and innovate. Thus, Mr. MENENDEZ's quiet deal for $1 billion tax credits for companies investing in R&D.''

And last, she talks about Michigan Senator DEBBIE STABENOW and Massachusetts Senator JOHN KERRY including ''$5 billion in the bill for a reinsurance program to defray the medical costs of union members.'' All of those are the comments I made about the special political deals inserted in this bill. Don't believe me? Just Google the Wall Street Journal and Kim Strassel.

I want to thank the gentleman, by the way. I also mentioned that the Senator from Colorado said, ''If Colorado has a fair claim on being treated the same way Nevada has been, of course we're going to ask for that kind of treatment.''

So there you go, politics and health care in America. Health care won't be driven by care or by medical evidence. It will be driven by the most powerful Senator on the block.

Mr. KING of Iowa. I thank the gentleman from Arizona.

And talking about the politicization of health care for perks and privileges, the part that's left out is the patronage. Patronage goes with perks and privileges. And when you see that happen in government, then it slows down the operations and it shifts the balance. And we're wondering, why isn't government logical? It's because perks, privileges and patronage take government off kilter. That's why we're a free enterprise system. That's why we have been a free enterprise system. And that's why this Nation has been strong and powerful and successful and our economy has eclipsed that of the world is because we left the standards of Adam Smith in place for dozens and dozens of years, for generations and generations.

In this last year, we have given up to nationalization perhaps as much as one-third of our private sector. We are looking at 14.5 percent of our GDP being potentially nationalized in the sequence, all to reduce this.

This is, by the way, 100 percent of the population of the United States of America. And here in the blue, that represents 84 percent in the blue of all. This is 100 percent, the circle. These are the uninsured, those Americans without affordable options right here,

this little orange, less than 4 percent, about 12.1 million people. This is 47 million all together. And if you look at the color code on the chart, we have illegal immigrants there in the yellow. We have those that are yellow in the 5-year bar, no welfare for 5 years by law. That's another 5 or so million people. You have those that are earning more than $75,000 a year, Americans without affordable options. They can find a way to insure themselves. And then you've got those that are eligible for government programs, primarily Medicaid, that's 9.7 million. And then you have those eligible for employer offers that don't opt in or opt out of their employer's plan, that's about 6 million. And then we have the Americans without affordable options. So all of these folks here, there's another answer for that; less than 4 percent to change 100 percent of the entire insurance and health care delivery system.

I thank the gentleman from Arizona and the Speaker, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of a family medical situation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 16 and 20.

Mr. BURTON of Indiana, for 5 minutes, October 16.

Mr. GOHMERT, for 5 minutes, today, October 14, 15 and 16.

Ms. ROS-LEHTINEN, for 5 minutes, today and October 14.

Mr. JONES, for 5 minutes, October 16 and 20.

Mr. MCHENRY, for 5 minutes, today, October 14, 15 and 16.

Mr. SOUDER, for 5 minutes, today and October 14.

Mr. OLSON, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, October 14, 15 and 16.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Wednesday, October 14, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4074. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Sweet Oranges and Grapefruit From Chile; Technical Amendment [Docket No.: APHIS-2007-0115] (RIN: 0579-AC83) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4075. A letter from the Administrator; Cooperative State Research, Education, and Extension Service, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs-Specific Administrative Provisions for the Beginning Farmer and Rancher Development (RIN: 0524-AA59) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4076. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-36; Introduction [Docket FAR 2009-0001, Sequence 7] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4077. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-038, Federal Technical Data Soluton (FedTeDS) [FAC 2005-36; FAR Case 2008-038; Item I; Docket 2009-0028, Sequence 1] (RIN: 9000-AL32) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4078. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2007-021, Fair Labor Standards Act and Service Contract Act Price Adjustment Clauses [FAC 2005-36; FAR Case 2007-021; Item II Docket 2009-0004; Sequence 2] (RIN: 9000-AL14) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4079. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-014, New Designated Country-Taiwan [FAC 2005-36; FAR Case 2009-014; Item III; Docket 2009-0027, Sequence 1] (RIN: 9000-AL34) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4080. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma [FAC 2005-36; FAR Case 2008-004; Item IV; Docket 2008-0001; Sequence 21] (RIN: 9000-AL) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4081. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Eagle Permits; Take Necessary To Protect Interests in Particular Localities [FWS-R9-MB-2008-0057; 91200-1231-9BPP-L2] (RIN: 1018-AV81) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4082. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 90) and Gulf of Alaska Groundfish (Amendment 78); Limited Access Privilege Programs [Docket No.: 0809031176-91213-03] (RIN: 0648-AX25) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4083. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Shipping; Transportation; Technical, Organizational, and Conforming Amendments [Docket No.: USCG-2009-0702] (RIN: 1625-ZA24) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No.: FAA-2009-0211; Directorate Identifier 2008-NM-028-AD; Amendment 39-15980; AD 2009-15-17] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airwothiness Directives; Pratt & Whitney Canada (PWC) PW206A, PW206B, PW206B2, PW206C, PW206E, PW207C, PW207D, and PW207E Turboshaft Engines; Correction [Docket No.: FAA-2007-0219; Directorate Identifier 2007-NE-46-AD; Amendment 39-15806; AD 2009-03-05] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A Series Airplanes [Docket No.: FAA-2009-0432; Directorate Identifier 2008-NM-168-AD; Amendment 39-15982; AD 2009-15-19] (RIN: 2120-AA64) Recieved September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No.: FAA-2008-1005; Directorate Identifer 2008-NM-119-AD; Amendment 39-15981; AD 2009-15-18] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty; Assistance to Eligible Individuals in Acquiring Specially Adapted Housing; Cost-of-Construction Index (RIN: 2900-AN26) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4089. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting

the Department's final rule — Entry of Certain Cement Products from Mexico Requiring a Commerce Department Import License (RIN: 1505-AC14) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4090. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Increase In Certain Personal Duty Exemptions Extended to Returning U.S. Residents (RIN: 1505-AC16) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4091. A letter from the Federal Register Liaison, Department of the Treasury, transmitting the Department's final rule — Extension of Package Use-Up Rule for Roll-Your-Own Tobacco and Pipe Tobacco (2009R-368P) [Docket No.: TTB-2009-0002; T.D. TTB-81; Re: Notice No. 99, T.D. TTB-78, Notice No. 95] (RIN: 1513-AB75) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4092. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2009-40) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4093. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Countries [Notice 2009-81] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4094. A letter from the Senior Advisor for Regulations, Social Security Administration, transmitting the Administration's final rule — Authorization of Representative Fees [Docket No.: SSA-2008-0030] (RIN: 0960-AG82) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. PRICE of North Carolina: Committee of Conference. Conference report on H.R. 2892. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–298). Ordered to be printed.

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. LATOURETTE (for himself, Mr. AUSTRIA, Mr. BOCCIERI, Mr. DRIEHAUS, Ms. FUDGE, Mr. JORDAN of Ohio, Ms. KAPTUR, Ms. KILROY, Mr. KUCINICH, Mr. LATTA, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. SPACE, Ms. SUTTON, Mr. TIBERI, Mr. TURNER, and Mr. WILSON of Ohio):

H.R. 3788. A bill to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. FLEMING (for himself, Mr. SHULER, Mr. FRANKS of Arizona, Mr. REHBERG, and Mr. BACHUS):

H.R. 3789. A bill to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage; to the Committee on Transportation and Infrastructure.

By Mr. MEEK of Florida (for himself, Mr. MAFFEI, Mrs. EMERSON, Mr. FARR, Mr. THOMPSON of Pennsylvania, Mr. ALTMIRE, Ms. WASSERMAN SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOCCIERI, Mr. KLEIN of Florida, Mr. SHULER, Mr. RYAN of Ohio, Mr. WEXLER, Mr. MURTHA, Mr. HASTINGS of Florida, Mr. TIBERI, and Ms. FUDGE):

H.R. 3790. A bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS) in a budget neutral manner; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MITCHELL (for himself, Mr. PASCRELL, Mr. HOYER, Mr. GORDON of Tennessee, Mr. WU, Mr. ANDREWS, Mr. GRAYSON, Mr. TONKO, Mr. ROTHMAN of New Jersey, Mr. WILSON of Ohio, Mr. LIPINSKI, Mr. CARNAHAN, Mr. COSTELLO, Mr. PETERS, Mr. HOLDEN, Ms. SHEA-PORTER, Ms. HIRONO, Mr. HINCHEY, Mr. MICHAUD, Mr. HIGGINS, Mrs. HALVORSON, Mr. ROSS, Mr. FOSTER, Mr. LANGEVIN, Mr. MCINTYRE, Mr. DELAHUNT, Mrs. LOWEY, Mr. KAGEN, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. SUTTON, Mr. CUELLAR, Mrs. KIRKPATRICK of Arizona, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Mr. LUJÁN, Mr. RYAN of Ohio, Mrs. BLACKBURN, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, and Mr. DOYLE):

H.R. 3791. A bill to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Mr. DEAL of Georgia, Mr. WAXMAN, and Mr. BARTON of Texas):

H.R. 3792. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania:

H.R. 3793. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Financial Services.

By Mr. CARDOZA:

H.R. 3794. A bill to amend the Central Valley Project Improvement Act to assist in efforts to avoid losses of juvenile anadromous fish; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 3795. A bill to enact the Over-the-Counter Derivatives Markets Act of 2009; to the Committee on Financial Services, and in addition to the Committee on Agriculture, 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. FILNER:

H.R. 3796. A bill to amend title 38, United States Code, to improve per diem grant payments for organizations assisting homeless veterans; to the Committee on Veterans' Affairs.

By Ms. FOXX (for herself and Mr. CHAFFETZ):

H.R. 3797. A bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL:

H.R. 3798. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible entities to train elementary and secondary school nurses on how to respond to a biological or chemical attack or an outbreak of pandemic influenza in a school building or on school grounds; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Ms. KILROY, Mr. CARNAHAN, Mr. RYAN of Ohio, Ms. LEE of California, Mr. ELLISON, Mr. DOGGETT, Ms. FUDGE, and Mr. KENNEDY):

H.R. 3799. A bill to amend title XVIII of the Social Security Act to improve prescription drug coverage under Medicare part D and to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986, to improve prescription drug coverage under private health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOEBSACK (for himself, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. KENNEDY, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. SIRES, Mr. COURTNEY, and Mr. WAXMAN):

H.R. 3800. A bill to establish an Office of Specialized Instructional Support Services in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 3801. A bill to amend the Internal Revenue Code of 1986 to extend the increased first-time homebuyer credit and waiver of requirement to repay, and for other purposes; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 3802. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from the limitation on depreciation when used for personal purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself and Mr. MOORE of Kansas):

H.R. 3803. A bill to amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO:

H.R. 3804. A bill to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities,

and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN:

H.R. 3805. A bill to amend the Electronic Duck Stamp Act of 2005 to extend by 2 years the period for the conduct of the electronic duck stamp pilot program under that Act; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. KENNEDY, Mr. MASSA, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. PAYNE, Ms. BALDWIN, Mr. LANCE, Mr. COHEN, Mr. LOEBSACK, Mr. CARNAHAN, Mr. MICHAUD, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, Mr. MOORE of Kansas, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. HOLT, Ms. HIRONO, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MALONEY, Mr. WALZ, Mr. LOBIONDO, Mr. BROWN of South Carolina, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. MCGOVERN, Mr. MURTHA, Mr. TIM MURPHY of Pennsylvania, Mr. SALAZAR, Mr. SCHRADER, Mr. COURTNEY, Mr. LYNCH, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mrs. BLACKBURN, Ms. FUDGE, Mr. SNYDER, Mr. BISHOP of Georgia, Mr. WATT, Mr. AL GREEN of Texas, and Mr. CLEAVER):

H. Con. Res. 198. Concurrent resolution recognizing Pediatric Acquired Brain Injury as the leading cause of death and disability in the United States for children and young adults from birth until 25 years of age and endorsing the National Pediatric Acquired Brain Injury Plan to develop a seamless, standardized, evidence-based system of care universally accessible for all of these children, young adults, and their families, regardless of where they live in the country; to the Committee on Energy and Commerce.

By Mr. SABLAN:

H. Con. Res. 199. Concurrent resolution recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States; to the Committee on Armed Services.

By Mr. THOMPSON of Pennsylvania:

H. Res. 822. A resolution expressing support for students to learn about Christopher Columbus; to the Committee on Education and Labor. considered and agreed to. considered and agreed to.

By Ms. DELAURO (for herself, Mr. MCGOVERN, Mrs. EMERSON, Mr. GEORGE MILLER of California, Mr. DELAHUNT, Mr. CAPUANO, Mr. HONDA, Ms. MCCOLLUM, Mr. CONNOLLY of Virginia, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. ELLISON, Mr. GUTIERREZ, Ms. ESHOO, Ms. SCHAKOWSKY, Ms. KAPTUR, and Mr. AL GREEN of Texas):

H. Res. 823. A resolution expressing deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009, and support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY:

H. Res. 824. A resolution congratulating the Northwestern University Wildcats on winning the 2009 NCAA women's lacrosse championship, and to commend Northwestern University for its pursuit of athletic and academic excellence; to the Committee on Education and Labor.

By Mr. OLSON:

H. Res. 825. A resolution recognizing the P-3 Orion naval aircraft for 50 years of service; to the Committee on Armed Services.

By Mr. PALLONE (for himself and Mr. MCDERMOTT):

H. Res. 826. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. MURPHY of New York.
H.R. 236: Mr. COHEN.
H.R. 503: Mr. HEINRICH, Ms. CHU, and Mr. SPRATT.
H.R. 515: Mrs. CHRISTENSEN.
H.R. 571: Mr. CARTER, Mr. MEEKS of New York, and Ms. GIFFORDS.
H.R. 610: Mr. MASSA.
H.R. 621: Mr. NYE and Mr. SARBANES.
H.R. 636: Mr. LATTA.
H.R. 658: Ms. SUTTON and Mr. WALZ.
H.R. 678: Mr. OLVER, Mr. COHEN, and Mr. BERRY.
H.R. 690: Mr. COURTNEY.
H.R. 847: Mr. THOMPSON of Mississippi and Mr. RUSH.
H.R. 930: Mr. BRALEY of Iowa.
H.R. 980: Mr. ISRAEL and Mr. PIERLUISI.
H.R. 1079: Ms. KOSMAS.
H.R. 1083: Ms. ZOE LOFGREN of California.
H.R. 1101: Mr. FORTENBERRY.
H.R. 1173: Mr. JOHNSON of Georgia and Mr. AUSTRIA.
H.R. 1207: Mr. SPRATT and Mr. HIGGINS.
H.R. 1210: Ms. ROYBAL-ALLARD.
H.R. 1278: Ms. DEGETTE.
H.R. 1283: Mr. MURPHY of New York and Mr. RANGEL.
H.R. 1310: Mrs. NAPOLITANO.
H.R. 1326: Ms. CHU, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mrs. DAVIS of California, Ms. MOORE of Wisconsin, and Mr. ABERCROMBIE.
H.R. 1327: Ms. RICHARDSON, Mr. BACHUS, Mr. LYNCH, and Mr. BROWN of South Carolina.
H.R. 1340: Mr. DOGGETT and Mr. HOLT.
H.R. 1428: Ms. MARKEY of Colorado.
H.R. 1490: Mr. GORDON of Tennessee and Mr. EDWARDS of Texas.
H.R. 1547: Mr. ADERHOLT.
H.R. 1549: Mrs. CAPPS, Mr. SERRANO, Mr. PAYNE, Mr. NADLER of New York, and Mr. MEEKS of New York.
H.R. 1552: Mr. CROWLEY.
H.R. 1597: Mr. BARTLETT.
H.R. 1623: Mr. DAVIS of Tennessee.
H.R. 1690: Mr. ABERCROMBIE.
H.R. 1766: Mr. ELLISON and Mr. TONKO.
H.R. 1770: Mr. MICHAUD.
H.R. 1818: Mr. PETERSON.
H.R. 1927: Mr. KING of New York.
H.R. 1964: Mr. CONYERS.
H.R. 1970: Mr. POSEY.
H.R. 1981: Mr. GOODLATTE.
H.R. 1993: Ms. ZOE LOFGREN of California, Mr. QUIGLEY, and Mr. ROTHMAN of New Jersey.
H.R. 2017: Mr. DEAL of Georgia and Mr. CARSON of Indiana.
H.R. 2067: Mr. HIGGINS.
H.R. 2068: Ms. SCHWARTZ and Mr. ROTHMAN of New Jersey.
H.R. 2089: Mr. SESTAK.
H.R. 2132: Mr. GRIJALVA and Mr. CUMMINGS.
H.R. 2149: Mr. WESTMORELAND, Mr. BRALEY of Iowa, and Mr. BUTTERFIELD.
H.R. 2190: Mr. HODES and Mr. LIPINSKI.
H.R. 2243: Mr. PETERSON.
H.R. 2254: Ms. LEE of California, Mr. LUETKEMEYER, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Mr. RAHALL.
H.R. 2280: Mr. FILNER.
H.R. 2289: Ms. RICHARDSON.
H.R. 2296: Mr. TURNER and Mr. BARTON of Texas.
H.R. 2324: Mr. ROTHMAN of New Jersey, Mr. ENGEL, Mr. WEINER, and Mr. GEORGE MILLER of California.
H.R. 2329: Mr. MARIO DIAZ-BALART of Florida.
H.R. 2365: Mr. TERRY.
H.R. 2408: Mr. SCHAUER, Mr. MCCARTHY of California, Mr. NUNES, Mr. CALVERT, Mr. CULBERSON, and Mr. WEINER.
H.R. 2502: Mr. BUTTERFIELD, Mr. TOWNS, Mr. BRIGHT, Mr. NYE, and Mr. BARROW.
H.R. 2506: Mr. PETERSON.
H.R. 2517: Ms. JACKSON-LEE of Texas.
H.R. 2563: Mr. GRIFFITH and Mr. BRIGHT.
H.R. 2570: Mr. STARK.
H.R. 2597: Mr. MOORE of Kansas.
H.R. 2698: Ms. FUDGE.
H.R. 2699: Ms. FUDGE.
H.R. 2776: Mr. RANGEL, Mr. HARE, Mr. NADLER of New York, and Ms. ZOE LOFGREN of California.
H.R. 2777: Ms. BALDWIN.
H.R. 2866: Mr. WELCH.
H.R. 2882: Mr. CLAY.
H.R. 2891: Mr. ROTHMAN of New Jersey and Mr. DOGGETT.
H.R. 2897: Mr. PETERSON.
H. R. 2901: Mr. STUPAK.
H.R. 2931: Mrs. KIRKPATRICK of Arizona.
H.R. 2964: Ms. MARKEY of Colorado and Ms. FALLIN.
H.R. 2978: Mr. WOLF.
H.R. 3001: Mr. WU.
H.R. 3035: Mrs. SCHMIDT and Mr. NADLER of New York.
H.R. 3077: Mr. CARSON of Indiana, Ms. WATERS, and Mr. JOHNSON of Georgia.
H.R. 3131: Mr. BOOZMAN and Mr. PETERSON.
H.R. 3200: Mr. BACA.
H.R. 3240: Mr. SHIMKUS and Mr. GUTIERREZ.
H.R. 3286: Mr. GRIJALVA, Ms. MOORE of Wisconsin, Mr. TIERNEY, Mr. SHULER, Ms. HARMAN, and Mr. DEFAZIO.
H.R. 3328: Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. COHEN, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. TOWNS, and Mr. RUSH.
H.R. 3336: Mr. GORDON of Tennessee.
H.R. 3365: Mr. GUTIERREZ.
H.R. 3381: Ms. WATERS.
H.R. 3407: Mr. PUTNAM.
H.R. 3487: Ms. DELAURO.
H.R. 3511: Mr. GRIJALVA, Mr. HONDA, Mr. GUTIERREZ, Mr. PIERLUISI, Mr. ABERCROMBIE, Mr. SERRANO, Mr. FARR, Mr. CONNOLLY of Virginia, Mr. KAGEN, Mr. ANDREWS, Mr. DRIEHAUS, Mr. HEINRICH, Ms. FUDGE, Mr. MCMAHON, Mr. MASSA, Mr. TONKO, Ms. TITUS, Mr. HIMES, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, Ms. HIRONO, Mrs. NAPOLITANO, Mr. BOREN, Mr. RODRIGUEZ, Mr. COSTA, Mr. KILDEE, Mrs. CAPPS, and Mr. CARSON of Indiana.
H.R. 3522: Mr. PETERSON.
H.R. 3554: Mr. ETHERIDGE, and Mr. HOLT.
H.R. 3567: Mr. ARCURI, Mr. CROWLEY, Mr. PAYNE, and Mr. LYNCH.
H.R. 3578: Mr. WELCH and Mr. BOSWELL.
H.R. 3585: Mr. PETERS.
H.R. 3587: Mr. CONYERS.
H.R. 3589: Mr. COURTNEY.
H.R. 3596: Mr. SESTAK.
H.R. 3597: Mr. FILNER and Mr. SCOTT of Virginia.
H.R. 3644: Mr. THOMPSON of California.
H.R. 3648: Mr. PERLMUTTER.
H.R. 3676: Mr. BARRETT of South Carolina.

H.R. 3696: Mr. HOEKSTRA and Mr. SAM JOHNSON of Texas.
H.R. 3711: Mr. MCMAHON.
H.R. 3717: Ms. WATSON and Ms. JENKINS.
H.R. 3756: Ms. SHEA-PORTER.
H.R. 3771: Mr. CONYERS and Mr. STARK.
H.R. 3786: Ms. SUTTON.
H.J. Res. 11: Mr. JORDAN of Ohio.
H.J. Res. 61: Ms. PINGREE of Maine, Ms. SCHWARTZ, and Mr. MCNERNEY.
H. Con. Res. 42: Mr. SERRANO.
H. Con. Res. 43: Mr. SERRANO.
H. Con. Res. 57: Mr. MARCHANT, Mr. RODRIGUEZ, Mr. GALLEGLY, Mr. FLEMING, Mr. GARRETT of New Jersey, Mr. TURNER, and Mr. KIRK.
H. Con. Res. 129: Mr. MURPHY of New York.
H. Con. Res. 170: Mr. FORTENBERRY and Mr. PETERSON.
H. Con. Res. 175: Mr. LEVIN, Mr. COURTNEY, and Ms. KAPTUR.
H. Res. 111: Mr. BOCCIERI and Mr. BILIRAKIS.
H. Res. 150: Ms. DEGETTE and Mr. PAYNE.
H. Res. 197: Mr. DELAHUNT.
H. Res. 209: Mr. LEWIS of Georgia.
H. Res. 267: Mr. FORBES.
H. Res. 445: Mr. GINGREY of Georgia.
H. Res. 516: Ms. NORTON.
H. Res. 531: Mr. JACKSON of Illinois, Mr. HARE, and Mr. JOHNSON of Illinois.
H. Res. 554: Mr. MCHENRY, Mr. AKIN, Mr. GARY G. MILLER of California, Mr. ROSKAM, Mr. HUNTER, Mr. SCALISE, and Mr. BARRETT of South Carolina.
H. Res. 603: Mr. MCCOTTER and Mr. CONYERS.
H. Res. 627: Mr. BLUMENAUER.
H. Res. 633: Mr. HONDA.
H. Res. 648: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, and Mr. THOMPSON of California.
H. Res. 660: Mr. DAVIS of Alabama.
H. Res. 700: Mr. CONYERS.
H. Res. 727: Mr. FRANK of Massachusetts and Mr. PAUL.
H. Res. 729: Mr. WAMP and Ms. ROS-LEHTINEN.
H. Res. 752: Mr. PLATTS.
H. Res. 771: Ms. SHEA-PORTER.
H. Res. 782: Mr. LAMBORN.
H. Res. 783: Mr. MCKEON, Mr. SIRES, Mr. WILSON of South Carolina, Ms. FOXX, Mr. PAYNE, Mr. BECERRA, and Mr. FORBES.
H. Res. 787: Mr. PLATTS, Ms. BORDALLO, Mr. COURTNEY, Mr. MURPHY of New York, Mr. LIPINSKI, Ms. TSONGAS, Mr. YOUNG of Alaska, and Mr. HOLT.
H. Res. 796: Mr. BROWN of South Carolina.
H. Res. 797: Ms. ZOE LOFGREN of California.
H. Res. 800: Mr. AL GREEN of Texas, Mr. PITTS, Ms. SCHAKOWSKY, Mr. BARROW, Mr. BERMAN, and Mr. MCGOVERN.
H. Res. 809: Mr. BROWN of South Carolina and Mr. BROUN of Georgia.
H. Res. 810: Ms. HIRONO, Mr. ENGEL, Mr. MCCAUL, Mr. PIERLUISI, Mr. DELAHUNT, Ms. SCHWARTZ, Ms. LEE of California, Mr. ROSS, Mr. CAO, Mr. MACK, Mr. AL GREEN of Texas, Mr. BERMAN, Ms. ZOE LOFGREN of California, and Ms. ROS-LEHTINEN.
H. Res. 812: Mr. PETERSON and Mr. JOHNSON of Georgia.
H. Res. 816: Mr. YOUNG of Alaska and Ms. SCHAKOWSKY.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, forever and ever our Lord, today be the Lord of our thoughts, feelings, hopes, and joys. Bless the Members of this body. Help them to walk in Your way, live in Your will, and achieve Your purposes. May their work today be a bright reflection on their commitment to Your will. Lord, make them great enough for these days. Deliver them from pride and pettiness, as You join them to those who seek to bring sense and system to a disordered world. Give them an inner calm, undisturbed by any outer commotion, and encourage them to follow your light that illumines the path ahead. Remind them that You will use everything that happens for their growth and for Your glory.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, there will be a period of morning business until 3 p.m. today with Senators permitted to speak during that time for 10 minutes each. Following morning business, the Senate will resume consideration of the Commerce-Justice-State Appropriations Act. At 5:30 today, the Senate will vote on the substitute amendment regarding cloture on the CJS appropriations bill. This afternoon the managers will continue to work on an agreement to limit amendments to the bill. If agreement is reached, we may not need to have a cloture vote. However, we will still have a vote at 5:30.

MEASURES PLACED ON THE CALENDAR—H.R. 3548, H.R. 3590, S. 1772

Mr. REID. Mr. President, it is my understanding there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

A bill (S. 1772) to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

Mr. REID. I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

HEALTH CARE REFORM

Mr. REID. Mr. President, is there anything more tragic than a preventable catastrophe? Probably not. What is more shameful than having the ability to stop a disaster and not using that power? Ancient and recent history is saturated with examples of nations standing idly by while threats escalate and storm clouds gather on the horizon. Too many times we have learned by example what not to do when we see tragedy pass before our eyes. Today is no different.

Today we face two kinds of preventable tragedies—one on a personal scale and one on a national scale. There are preventable deaths. There are examples of preventable deaths in every city in Nevada and every State in the Union. Stories of preventable deaths fill our mail boxes and our media.

In many of these cases we can draw a direct line from an American's death to the lack of decent health care. In almost all of those cases, we can draw another direct line from their lack of decent health care to our broken health insurance system.

A startling new book by T.R. Reid called ''The Healing of America'' traces his travels throughout the developed world and contrasts our health care

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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system with far more successful, affordable, and equitable health care systems in several industrialized nations. He approaches this story in a unique way. He has a bad shoulder. He had had it repaired 10 or 12 years before. It started giving him some trouble, so he started in the United States asking what to do about his shoulder.

He was told what to do in America. Then he went to France and Japan, all over the world, and was told what not to do with his shoulder. In the process of talking about his shoulder, he talks about the health care system in every one of those countries. There are some startling things.

The phrase ''socialized medicine'' was developed by the insurance industry when President Truman said he wanted to do health care reform. It is interesting that the kind of care they have in different parts of the world is so uniquely described in this book. For example, Germany has had government-sponsored health care since the 1880s, which I think is very interesting—I say this with some degree of sarcasm—by the great socialist Bismarck. He was about as far as one could get from a socialist, but he believed health care should be delivered in a Christian way, as he said it. That system is one that has been copied in various parts of the world to some degree or another.

It is an interesting book, and I recommend it to every Senator. It opens telling the story of a woman by the name of Nikki White who died at 32 years of age. The official medical records show that she died from complications of lupus; but if we asked her doctor, the doctor would tell everyone Nikki died from complications of our health care system. We know how to treat lupus. America is home to millions of doctors and thousands of hospitals that can help someone with lupus live a longer life. America has developed the science and the medicine and the therapies that let people with lupus live full, active lives. But because Nikki's health insurance company refused to cover her once she got sick and because Nikki's income was too much for Medicaid but too little for her medicine's cost, she was stranded.

This story is tragic because Nikki died a preventable death in the richest Nation in the history of the world. It is even more tragic because it is not the only one of its kind, not by a long shot. All over America people are dying too soon. There are lots of others just like it.

Conditions that should be fixable are now fatal. Easily treatable diseases now become death sentences. More and more, Americans who come down with the flu or are diagnosed with diabetes or suffer a stroke are dying far earlier than modern science says they should have to die. More and more, Americans who contract skin cancer or have a hernia or experience complications during surgery are dying rather than being cured.

These diseases can strike anyone. In fact, more than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of the deaths in America. A group called the Commonwealth Fund researches ways our health insurance system can work better. It recently ranked 19 industrialized countries on how they handle preventable deaths. The United States ranked 19th—at the very bottom.

Their study also found that as many as 100,000 American lives could be saved if we admitted some health care systems work better than others and borrowed some of the best ideas that make them work. This is 100,000 lives a year. By the way, we are paying for the privilege.

Over the past 8 years of inaction the price of staying healthy in America rose to record levels. The number of Americans who can't afford insurance also rose to record levels. At least one in five Nevadans has no health insurance. Those who do have it are at great risk of losing it. If we don't act, in 10 years health care costs will more than double what they are today. The number of Nevadans who can't afford health insurance will double as well. If we don't act, more Americans will suffer needlessly.

That Americans are dying preventable deaths is one of two avoidable tragedies I said I wanted to discuss. The second is that some here in Congress are preventing solutions to that problem. We have the power to prevent this national crisis from growing. We have the power to prevent it, just like we have the power to prevent diseases from killing us too soon.

We have the ability to treat our unhealthy health care system today. Five congressional committees—three in the House and two in the Senate—have studied the data, debated the arguments, and proposed ideas for what to do next. While we listen to the stories of real people with real problems, some try to divert our attention with distortions, distractions, and deception. While we strive to change a broken status quo, some defend it at all cost. While we seek common ground, some insist on opposing good ideas simply because they are proposed by people who sit on a different side of this Chamber or by a President who comes from a different political party.

As former Senate leader Bob Dole said last week:

> Sometimes people fight you just to fight you.

It is inexcusable to let a preventable disease become a deadly disease. It is equally unacceptable to deny the American people the change they demand. If we don't act, we will not have the luxury of saying later, with regret: If we only knew then what we know now. We know now exactly what we need to know. We know now that deaths are preventable. The question before the Senate is, do we want to prevent those deaths? These tragedies are avoidable. The question before the Senate is, do we want to avoid these tragedies?

The broken health care system is fixable. The question before the Senate today is, do we want to fix the broken system?

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HEALTH CARE WEEK XIII, DAY I

Mr. MCCONNELL. Mr. President, when we started the debate over health care reform, we knew what the American people wanted. First and foremost, they were telling us health care costs are too high and any effort at reform would have to focus on driving down those costs.

This meant our measure for success would be fairly simple: Would our reform proposals lead to lower premiums and lower costs or would they not? That is why an analysis of the Finance Committee bill over the weekend by PricewaterhouseCoopers should give us all pause.

The report showed that the Finance Committee proposal that is being voted on today would increase health insurance premiums dramatically. It said this bill would cause health care costs to go up—not down—for millions of Americans who currently have health insurance. This report confirms what many of us have feared: that the bills we have been debating will not reduce costs for the American people, but will actually drive costs up—an outcome that is fundamentally opposed to the original purpose of health care reform as we all understood it at the outset of the debate.

Specifically, this report shows that premiums for a family policy will rise to about $26,000 in the next decade under the plan proposed by Senator BAUCUS—about $4,000 more than they would under current law.

One of the reasons for this is that new taxes on health insurance plans, pharmaceutical companies, and medical device makers will be passed on to consumers—something many of us, including the independent Congressional Budget Office, have been saying all along.

The bottom line is this: Americans were asking for step-by-step reforms, of the kind I have called for in nearly 50 floor speeches since June. The administration's failure to present such a commonsense plan is the primary reason that Americans overwhelmingly oppose its plans for health care reform.

Americans wanted lower costs and greater access. They never wanted the administration or Democrats in Congress to vastly expand the government's role in people's health care decisions, to slash Medicare, to raise taxes and health insurance premiums,

as well, and to limit the health care choices Americans now enjoy.

The American people are not happy with any of these things, and they are not happy with the process they are seeing here on Capitol Hill. Americans are understandably unhappy that a handful of Senators and White House staffers are about to put the finishing touches on the Democratic proposal behind closed doors, especially after the President pledged to broadcast negotiations on C–SPAN.

The administration did not particularly like what PricewaterhouseCoopers had to say about the Finance Committee bill. It hastily dismissed this report, just as it dismissed commonsense Republican proposals and the concerns of ordinary Americans throughout this debate.

Indeed, the administration and its allies seem to view any opposing viewpoint in this debate as hostile. It is perfectly obvious why. The administration does not want to hear criticism because it does not want people to know what its proposals will actually do.

At a time of nearly 10 percent unemployment, Americans do not need higher taxes and higher health insurance premiums. Yet one thing that is perfectly clear about the administration's health care proposal is it promises higher taxes on virtually everyone in America.

Here is the breakdown: Under this legislation, if you have insurance, you are taxed; if you do not have insurance, you are taxed; if you use a medical device such as a hearing aid, you are taxed; if you take prescription drugs, you are taxed; if you are a business owner who cannot afford to provide coverage for your employees, you are taxed. And the Joint Committee on Taxation and the CBO have both said that many of these taxes will hit the middle class hardest, at a time when unemployment stands at a 25-year high.

Add all these up and you get a bill that raises taxes, raises premiums, and leads to more government control. You can call this many things, but it is not what the vast majority of Americans would consider reform.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I listened carefully to the Republican leader of the Senate, as I have every day, waiting for one thing: the Republican health care reform plan. We did not receive it today. We have never received it because there is no Republican approach to health care reform.

I know we have tried to engage the Republicans in this debate. We waited weeks—make that months—to bring over just three Republican Senators who would sit down and negotiate with us. In the end, they walked away. One Senator from Maine is still possibly going to vote for this. We hope she will. I hope others will join her. But it is not for lack of effort that we do not have a bipartisan approach at this moment.

What the Senator from Kentucky failed to mention when he said we have dismissed commonsense Republican proposals is when the HELP Committee—which is the Health, Education, Labor Committee—sat down to write their health care reform bill—it went on for weeks—day after weary day, amendment after amendment was considered by this committee because of the gravity of this challenge—we are literally talking about a health care system that affects every one of us—and at the end of the weeks of hearings and the hundreds of amendments offered, 150, maybe more, Republican amendments were adopted to this bill. The committee decided on a bipartisan basis to accept these Republican ideas and make them part of the final product that was going to be voted on by the HELP Committee.

Well, wouldn't you believe, at the end of that long process—bipartisan process—with Democrats and Republicans working together, after 150 Republican amendments had been accepted, at least 1 Republican Senator would have voted for the health care reform bill reported by the committee? It did not happen. There were 150 amendments from the Republican side of the aisle, and still not 1 Republican Senator was willing to stand up for health care reform.

So when the Republican leader says, we have dismissed commonsense Republican proposals, we took 150 of them and could not get a vote out of it—not a single vote. The reality is this. The Republicans have no alternative to health care reform. They come to the floor and they quote as their sources the health care insurance industry.

For the longest time, the Senator from Texas, Mr. CORNYN, came and he would quote the so-called Lewin study. Well, it turns out that the Lewin study about the cost of health care reform had an element to it which he did not disclose: The Lewin company that did the study is owned by the largest health insurance company in America. So they quoted as their source on how much this bill would cost the critics of health care reform, the people who want to maintain the current system.

Today, the Senator from Kentucky very carefully avoided saying the obvious. This PricewaterhouseCoopers study he is talking about was commissioned by the health insurance industry. That is why they have come out with it the night before the critical vote in the Senate Finance Committee.

What did they say? They predicted if health care reform went through, health care insurance premiums would go up. Well, there are those who disagree, people with the Congressional Budget Office and others, who believe that more and more Americans with insurance—not showing up in emergency rooms for charity care, where the cost of their care is passed on to all the rest of us—is going to mean there is going to be a downward push on premium costs.

They estimate each of us with a family plan pays $1,000 a year in premiums to take care of the charity work that is given out at our hospitals every single day. If there is less charity work, it means less money is going to be needed from all the rest of us who have health insurance, and that will help bring premiums down as more and more Americans have health insurance protection.

But what do we make of the health insurance industry telling us that premiums are going to go up? I will tell you what I think. I think it is a self-fulfilling prophecy. I think when health care reform passes—and I think it will—the health insurance companies, unless we do something about it, will raise premiums, and they will point at Congress and say: You did it. See, we told you not to change the system.

Can they make good on their promise of higher health insurance premiums? You bet they can. There is something called the McCarran-Ferguson Act. It is a law that was passed decades ago that said two industries in America were exempt from antitrust laws. The two were organized baseball and the insurance industry. What it means is, unlike other businesses making products such as cars and computers, which are prohibited by law from collusion and conspiracy in putting together the cost of their product, the insurance industry is exempt. That is right, it is the only industry, other than baseball, exempt from the antitrust laws of America.

So when the health insurance companies tell us: We are going to raise premiums, you ought to listen up, they have the power to do it. They can literally meet in the same room and decide to do it—legally in America. I think it is an outrage. I think that law should change. But the fact is, it will not change unless there is a force to change it.

What is the force that would keep the health insurance companies honest, stop them from this collusion, create real competition to protect consumers, stop them from raising premiums in a fit of pique over health care reform? It is called the public option. It says there ought to be for every American at least one not-for-profit insurance company available to sell you health insurance. You do not have to take it.

You may decide you do not want any part of it because it is a public option or a not-for-profit option, but it ought to be your choice. If you have that not-for-profit option—that does not have dramatic overhead costs because they hire scores of people to say ''no'' when you turn in a claim, that does not have significant amounts of money they spend each year for advertising, that does not have multimillion-dollar CEO bonuses and huge health insurance policies for the people in the boardroom—we believe the costs would be lower and we believe that competition will force the health insurance companies that are exempt from antitrust laws to play it straight and give consumers across America a fighting chance.

Well, you know where the public option is today. Let me tell you who supports a public option. Two out of three Americans consistently through this debate—although they have heard both sides of the story and they have been confused by some allegations and others—two out of three have consistently said: Give us that choice, give us a choice, like Medicare, something that is not profit driven that can be a low-cost alternative that we can consider—two out of three Americans.

But what about the health care professionals? What about the doctors across America? What do they think about a public option for health insurance? Do not take my word for it. Go to the New England Journal of Medicine. They surveyed 2,000 doctors across America and asked them basically: What do you think about a not-for-profit, public option health insurance plan? Doctors, professionals, medical professionals—10 percent of them said: We think we ought to have single payer like Canada; 10 percent of the doctors said that. Sixty-three percent of them said: We think it ought to be a blend of public and private so there is a public not-for-profit option available to people. What it comes down to is three out of four doctors in America, when asked, believe this is a reasonable alternative, to have a public option of some kind. So it is not a radical idea.

Who opposes the public option? The health insurance companies do because it means competition in places where they do not have it today. In most of the markets in America, private health insurance companies—just two or three of them—dominate the market. There is very little competition. And the other health insurance companies there cherry-pick healthy people to try to make money, leaving the rest of the people, obviously, paying higher premiums.

So when I hear criticism from the Republican side of the aisle of the current plan, the obvious question is: What do you offer as an alternative? Continuing this current system where the cost of health insurance premiums is going up three times faster than wages in America, where fewer businesses are offering health insurance?

I was home in Springfield, IL, over the weekend. I went to a grocery store, the County Market. There was a lady there. She was offering samples of food. I did not know her. She recognized me. She stepped away from the counter, where people were grabbing these little samples, and came up to me. She said: Please pass health care reform. I said: How does it affect you? She said: I work for the city of Springfield. We don't have very good health insurance. She said: My health care costs are such that I had to take this job on the weekends out here at the grocery store giving out samples to try to keep up with health care costs.

She said: I'm just one person, Senator, but think about me when you get back to Washington. Well, I do, and I will. And I will think about what has been said on the other side of the aisle. When they say they do not want to expand government, listen, we are not talking about the government running a health insurance plan. We are talking about a not-for-profit plan that is an option for people. But for those who are keeping score, one out of three Americans today is covered by some kind of government health insurance—about 40 million on Medicaid, another 40 million on Medicare, tens of millions on veterans health care, and how about all the Federal employees and Members of Congress—please hold up your hands—8 million of us in a government-run health care plan. I don't see a lot of my colleagues running for the exits to get out of the Federal Employees Health Benefits Program. It is one of the best insurance programs in America. It has been for 40 years. It offers us, in my case, nine different private health insurance plans to choose from; open enrollment every year. My wife and I pick the plan best for us. Our employer, the Federal Government, pays a portion of it. If we want a bigger plan, we pay more. It is administered by the Federal Government. It has been for 40 years. It is wildly successful. I don't hear a lot of people coming to the floor criticizing that approach. It turns out to be a good one and a good model to expand, which is what we are trying to do in health care reform.

When the Republican leader comes and says health care reform is going to slash Medicare, open the book and take a look at what is really going on.

There are private health insurance companies that came to the Federal Government years ago and said: We can do Medicare better than the government. We can save the government money. So let us offer the Medicare policy as a private health insurance company and we will run rings around the government.

Well, you know what. It turned out some of these insurance companies did, and it turned out to be cheaper, but too many of them didn't. They ended up overcharging us for basic Medicare, up to 14 percent more than the cost of Medicare—a subsidy to private health insurance companies out of the Medicare system, taking money away from seniors who need it. So when the Senator from Kentucky says we are slashing Medicare, what he doesn't say is what we are going to do is eliminate that subsidy over time to these private health insurance companies that are frankly taking money out of Medicare, under false pretenses. They were supposed to save us money, and they haven't.

The Senator from Kentucky laments the fact that pharmaceutical companies are going to have to pay more and that medical device companies are going to have to pay more. Can I tell the Senator from Kentucky that most of them agreed to this? Why would they agree to take less money for health care over the next 10 years? Because they realize that if the 40 million uninsured Americans now have insurance and they are showing up at the hospitals and the doctors' offices with that insurance, more of their products, medical devices, and pharmaceuticals will be sold and paid for. So they are willing to take a cut in their profits, realizing their consumer base is going to expand. That is the so-called slashing he is speaking about.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 3 additional minutes. I see the Senator from Georgia in the Chamber.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, let me address this notion that what we are doing happened behind closed doors, which was said by the Senator from Kentucky. I know some don't want to leave the broadcasting of the floor of the Senate, which is broadcast by C–SPAN, but one of the other channels is carrying the Senate Finance Committee. It is not behind closed doors. It is right in front of the television cameras. It is going on right now as they consider the bill they will be voting on this afternoon.

The Senator from Kentucky said the administration doesn't want the people to know what is in this bill. Before this bill is voted on, it will be up on the Internet for everyone to read, as it should be. Members of Congress will have the time and the responsibility to read it as well. That is the way it should be on something this important.

So I would say the bottom line is this: The Senator from Kentucky is critical of what we are trying to do. We have tried to engage the Republicans in achieving this goal. We haven't had many volunteers on their side of the aisle. I hope that changes. They don't have a Republican approach to health care reform. The arguments they make primarily come from health insurance companies that don't want to see change.

But Americans know we need change. We need to stabilize the system, get people security, making sure they can

afford good health insurance, that the costs don't go through the roof. We have to end the abuses of health insurance companies that turn down people when they need them the most, finding deep in some application form the failure of a person to disclose they suffered from acne as a teenager, so they are going to disqualify them from health insurance coverage later in life—and I am not making this up. We know what happens when they put caps and limits on the amount they will spend in a lifetime, and then people find themselves with a catastrophic health situation, not covered by their health insurance policy. We know more than twice as many people are filing bankruptcy in America today because of medical bills, and over three-fourths of them have health insurance that isn't any good. That is the reality of staying with the current system. The Senator from Kentucky may want to defend that. I think it is indefensible. If he wants to hear it firsthand from a real person, I suggest he go to the county market and look for the food sample lady. She will tell him what is really going on in America today as we face health care reform.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are.

Mr. ISAKSON. I ask unanimous consent to speak for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FIRST-TIME HOME BUYER TAX CREDIT

Mr. ISAKSON. Mr. President, I come to the floor to discuss our economy and the pending termination or sunset of the first-time home buyer tax credit and the potential implications and effects it certainly is going to have on what is at best a very fragile economy today.

First, I wish to reference this morning's USA TODAY business section where it was reported that existing home sales trailed down in the month of August off of the month of July. They did note they were better than August of a year ago but still deplorably low. Of all of the sales that were made in the month of August, 30 percent were attributable to the first-time home buyer tax credit. Unfortunately, substantially all the rest were attributable to short sales or foreclosures.

I was home Friday. In my State of Georgia, we have a law that says that if you foreclose on a deed to secure debt or a mortgage, you must advertise for four successive Fridays preceding the first Tuesday in the following month in order to foreclose. So every Friday in the legal organ of every county in Georgia, there is a section for foreclosure advertisements. I hold before the Senate today all 74 pages of the Marietta Journal legal notices announcing the foreclosure on 1,157 homes in a county of 700,000 people.

Houses continue to decline in their value because the market demand is down. The foreclosures we see today are not subprime loans; they were the loans that were foreclosed on a year or a year and a half ago. When we read the addresses of these 1,157, which I won't do, they are the addresses of mainstream America and the mortgages that are being foreclosed on are what are called conventional loans that were made to people who had jobs, had income sufficient to make the payments, and had downpayments of 5, 10, or 20 percent. These are the good loans a year ago that today are the loans being foreclosed on. In my State, 1 out of every 13 houses shows mortgage holders right now behind in their payments. Foreclosures are at record rates.

The first-time home buyer tax credit is about to expire. What does that have to do with this foreclosure problem we have and the problem of declining values of houses and shrinking equities for the American people? It has everything to do with it. We have a great demonstration project in the first-time home buyer tax credit that shows this Congress the way to continue and get a recovery in our housing market. In the time the first-time home buyer tax credit has been in effect, it is estimated that 350,000 home sales were made. That is 357,000 sales that would not have taken place.

What we need to do is look at the value of the home buyer tax credit and see whether an extension makes sense and, if it does make sense, how it should be structured. First of all, I say it makes sense because we had modest success the first time. But I think the limitation of a first-time home buyer at a maximum of $150,000 in income actually restricts us from helping the part of the market that is represented in these foreclosure pages because these are houses of people with more than $150,000 in income who would need to qualify. These are what are known as the move-up homes, the homes the executives and transferees from around the country sell when they leave their home county and are transferred to a job in another city or another State. We need to energize that market because the move-up market is where the problem exists.

So I would submit that when we look at the sunset date of November 30 on the first-time home buyer tax credit, we should extend it—not forever but through midyear next year, to the end of June 2010. There is a reason for that recommendation. The worst 3 months of the year in any housing market anywhere in the United States are December, January, and February because it is winter and because it is the holidays. So there is not much of a market to begin with in those 3 months. If this tax credit dies in November and then it dies the day before the declining market takes place, by the time the spring market comes back in March and April, it is too late and we will have a protracted period of even poorer sales than we have had recently. But if we pass and extend the credit through June 30 of next year, we continue to buoy the housing market around the country. If we take away the first-time home buyer limit and raise it to any home buyer who buys a home for their principal residence and resides in it for 3 years and we raise the income limitation from $150,000 for a family to $300,000, we stimulate the entire marketplace. That has a cost to it, a score of $16 billion. That is a lot of money, but it is less than 3 percent of the amount of the stimulus, and we know from what has happened in the last 9 months that it works.

It is very important that we stimulate and continue the existing stimulation of the housing market. The recession that began in December of 2007 began with a collapse of housing, first because of the subprime mortgage failures, but it continues to today, a continuing collapse, and the failures aren't subprime, high-risk credits, they are mainstream America. There is a point in time when we owe it to our country, we owe it to our economy, we owe it to mainstream America, where we know we have a proven program that works, to extend it and buoy the marketplace.

I wish to deal with some of the negatives some people have expressed about extending the tax credit.

The first negative I have heard in a lot of interviews is: Well, isn't all you are really doing is moving forward some sales that are going to take place anyway? Well, of course. That is the object. The problem is, we don't want them to take place in 2011 and 2012; we would like to move them forward to take place now. We want people back in the business of making the decision that it is a good time to buy.

Secondly, people will say: Well, it costs too much. Let's look at what we have done in 2½ or 1½ years in terms of cost to try to save an ailing economy. We have put $85 billion in 1 night in AIG. That is a lot more money than $16 billion. The Federal Reserve has at one place or another invested over $5 trillion. That is a lot more than $16 billion. The stimulus, which is a 2-year stimulus, which is just in its infancy of trying to make some difference, was $787 billion. The Troubled Asset Relief Program, or TARP, which was passed in October of last year, was $700 billion. Yet we have a proposal that has generated 350,000 sales, costs $16 billion, that is about to die, where all of those other programs and trillions of dollars have only saved a collapse but not regenerated an economy.

So I come to the floor today to ask everybody in the Senate to think about what is happening. Six weeks from now, the tax credit sunsets. When it fails, the market again will have downward depression on values, on sales,

and most importantly on consumer confidence. Let's try to slow down the rate of foreclosure. Let's help Middle America, which right now faces difficult times. Let's take them out of the newspaper and let's take them back into a buoyant economy that has jobs, has growth, and has promise for the future.

I submit that an extension of the first-time home buyer credit by removing the means test, raising the income limitation, and extending it to midyear is good for America, makes good sense for this Senate, and I hope we will find the time before the current bill sunsets to pass it and do it for America.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Ms. MURKOWSKI. Mr. President, I rise to talk about the hidden taxes that American families could be forced to pay under the Baucus proposal if Congress doesn't cut half a trillion dollars in Medicare services. Despite the score we saw last week by the CBO that there would be an estimated $81 billion in savings to the Federal Government, the fine print of that CBO letter paints a different picture and raises some real concerns about whether Congress has the stomach to cut $500 billion in services to the elderly and the disabled on Medicare.

This point was raised over the weekend. There were several editorials that ran in the Washington Post, Reuters, the Salt Lake Tribune, and the Colorado Springs Gazette, and they criticized the Baucus bill for unrealistically relying on $500 billion in savings in Medicare. These articles conclude that Congress is unlikely to enact Medicare cuts based on their annual action—our annual action—since 2003 that has stopped cuts to the doctors' reimbursement rates under the sustainable growth rates formula. This is what we call the SGR.

In 1997, Congress enacted the SGR formula, which automatically cuts Medicare reimbursement rates when annual spending for doctors' visits exceeds the SGR target. Every year since 2003, Congress has stepped in to prevent these cuts from going into effect. The question should be asked whether it is wrong for Congress to prevent these cuts. I suggest no, absolutely not. In fact, there is virtually unanimous agreement among Republicans, Democrats, and the President that the fixes must happen because the SGR is a flawed formula that doesn't accurately account for Medicare practice costs.

The SGR, however, is just one example of how Congress has been unwilling to not only prevent cuts to the Medicare Program but also unwilling to fix the flawed SGR formula. Except for 1 year, in 2002, when Congress allowed the 5.4-percent cut to go into effect, every year since then Congress has ''fixed'' the Medicare cut by affixing a Band-Aid, which has resulted in artificially adjusting the Medicare reimbursement rates and pushing larger ''phantom cuts'' into future years. Will this year's 21-percent cut to Medicare provider reimbursement rates go into effect? It is highly unlikely. In fact, the Baucus bill contains another Band-Aid measure that pushes this year 21-percent cut into 2010, with the notion that next year doctors will face an even larger, 25 cut under the Finance Committee proposal.

While the past is not always indicative of the future, I believe it is highly unlikely that we in Congress will witness any willingness to make a game-changing ''audible'' that forces half a trillion dollars in cuts to services for our seniors and for the disabled. The CBO has acknowledged this in a letter to Senator BAUCUS when they discussed the budgetary impact of the health care bill. CBO said:

> The mechanism governing Medicare's payments to physicians has frequently been modified (either through legislation or administrative action) to avoid reductions in those payments. . . .The long-term budgetary impact [of the Finance Committee proposal] could be quite different if those provisions were ultimately changed or not fully implemented.

If, since 2003, Congress had stepped in to prevent Medicare cuts from going into effect, why should we expect Congress to now take the unprecedented step of cutting nearly half a trillion dollars from the Medicare Program? In fact, there was an editorial in the Washington Post last month talking about CBO's assumption of Medicare savings. They said:

> Many Medicare ''savings'' are probably phony. Congress is likely to reverse them, as in the past. Put in that category about $200 billion in ''savings'' over 10 years from lower reimbursement rates for doctors, which Congress has repeatedly prevented from occurring. A separate $180 billion in ''savings'' from lower reimbursement for hospitals and other providers are similarly suspect. Together, these items provide about half the [Baucus plan's] financing. If half a trillion is waiting to be squeezed painlessly out of Medicare, why wait for health care reform? If, as Obama repeatedly insists, Medicare overspending is breaking the budget, why hasn't he gotten started on the painless billions in ''waste and fraud'' savings?

That was in the Washington Post last month.

Just today, on the front page of the Washington Post, it was reported that the SGR fix included in the House bill, H.R. 3200, was stripped out of the health care reform bill that passed in three House committees of jurisdiction. Leaders in the House are citing the $240 billion cost of the SGR fix as the main reason for removing this provision. I believe Congress is being shortsighted in not addressing a major concern in the Medicare Program—a concern that not only would address reimbursement decreases that doctors have faced every year since 2002, but also the concerns about access to doctors that is worrying more and more Medicare patients every day. By stripping this important provision out of the House bill, Medicare patients are left crossing their fingers in the hopes that the SGR fix will ultimately be included in the health reform bill. I believe removal of this essential and important provision, not only because of policy concerns but, rather, because House leaders want to stay below an arbitrary pricetag, simply shows Congress's unwillingness to address significant failures in a government health program that impacts the lives of some 44 million elderly and disabled Americans.

We know the government has been promising to cut from the Medicare Program, particularly in the areas of waste, fraud, and abuse, since the Reagan administration. Yet spending continues to rise. There is no reason to believe this is going to ever change. I will not support cuts in services under the Medicare Program. I will ask my colleagues to give weighted consideration to whether they would be willing to tell their Medicare seniors and disabled constituents that they voted to cut $500 billion from their Medicare insurance. Inevitably, if the Congress cannot pass a measure to cut from Medicare, then the money will have to be made up either through increased taxes on average American families or in the form of additional deficits that will burden future generations of Americans.

Mr. President, with over $2 trillion spent on bailouts, stimulus, and cash for clunkers in just the past 22 months, we must be better stewards and more vigilant of the potential for additional costs to working families for expanding government services and creating more mandates for health insurance.

With that, I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WEBB. I thank the Chair.

(The remarks of Mr. WEBB pertaining to the introduction of S. 1774 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WEBB. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING Officer. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2847, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Vitter-Bennett amendment No. 2644, to provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of U.S. citizenship.

Johanns amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now (ACORN).

Levin-Coburn amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions.

Durbin modified amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN.

Begich-Murkowski amendment No. 2646, to allow tribes located inside certain boroughs in Alaska to receive Federal funds for their activities.

Ensign modified amendment No. 2648, to provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs.

Shelby-Feinstein amendment No. 2625, to provide danger pay to Federal agents stationed in dangerous foreign field offices.

Leahy amendment No. 2642, to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

Graham amendment No. 2669, to prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

ENERGY AND WATER APPROPRIATIONS

Mr. COBURN. Mr. President, I plan on spending some time on the CJS appropriations bill, but I want to delay a moment. We are going to have a cloture vote, whether that is today or tomorrow or sometime, on the Energy and Water Conference Report. I was the one who objected to bringing that to the floor and for some very serious reasons. Unanimously, the Senate body agreed to an amendment that would create transparency in that appropriations bill. There were no objections; it was a unanimous vote. What we attempted to do was to bring to light, to the American people, not just the 30 Senators who were going to get the reports—70 percent of the Senate cannot see the reports—to the rest of the Senators and to the rest of the American people, the reports that are requested by Congress on the operation of this appropriation authority.

We put in there a very specific exclusion for anything that would affect security so those items would not be exposed.

There were no significant efforts to hold this in conference. So I wanted to explain for a few minutes to the American people and to my colleagues why it is important. What we have here are the following reports. The question you have to ask is, why does the Appropriations Committee not want the American people to see this information? What in the world could be a good reason for American citizens and 70 Senators to not be able to see this? There is not any good reason.

I will go through and list what some of the reports are in this bill. Then I will raise the question: Why are we not letting the American people see it? Why are we not letting 70 of our colleagues see it?

An annual report on the Department of Energy, on their financial balances, is important information to me. It should be to every Member of this body. But it also should be important to every citizen out there who is paying for the $1.6 trillion deficit we have this year. Actually, they are not paying, their kids are.

A report by Chief of Engineers on Water Resources, but the way it is phrased, it is on a ''water resource matter.'' In other words, someone very specifically tied that so they would have information others do not have. This is government in the dark; this is not transparent government.

A report by the Nuclear Regulatory Commission identifying barriers to and its recommendations for streamlining construction of new nuclear reactors. If we want to get to clean energy, that is one way to do it. Yet the barriers for that construction, we are not going to know what they are. The American people are not going to find out and 70 Senators are not going to find out. We are not going to have that made available to us.

Two reports to report on the transfer of funds within the Department of Army, and a report on the transfer of funds within the Bureau of Reclamation for oversight activities—in other words, a report on the funds that are transferring for oversight, only appropriators get to see that. The American people do not get to see it. I do not get to see it. The President pro tempore right now does not get to see it. Only the appropriators. Why would we not want to share that with the American people? Is there some reason?

A report by the administration on detailed accounting of receipts into and obligations and expenditures from the inland waterways trust fund. Well, what most people do not realize is when we put out a number that is our budget deficit every year, that number does not recognize what we have stolen from multitudes of trust funds, including the inland waterway trust fund, which is very important to all of the things that go on along the Mississippi River, the McClellan-Kerr Navigation System, the Upper Mississippi River, the Great Lakes. All of those are funded by the inland waterways trust fund—except we steal all of the money out of it so there is no money in it. Here is the report on it, and they do not want the American people to see it. Why would you not want the American people to see that we are stealing from the funds we have set up that were supposed to be dedicated to do certain things? Because you really do not want a transparent Congress so the American people can see what is going on.

A report on remediation efforts by the Corps of Engineers through the formerly utilized Sites Remedial Action Program. Most of us do not even know what that is. But the fact is, if we have former sites that required remedial action, why should'nt we all get to see that? Why should we not be able to make a value judgment on whether the Corps did a good job and what they are doing with the money? But yet we cannot.

A report detailing the implementation and progress of the measurement plans for each funded energy innovation hub. We have these hubs out there to create alternative and renewable energy, except we are not going to see what they are doing. It is not going to be available to us. It is not going to be available to the American people, and they are paying for it. What happens if there is an idea and somebody reads about it and it gives them another idea?

A report by the Secretary of Energy to the Committee on Appropriations of the House and the Senate on the state of defined benefit pension liabilities in the Department for the preceding year. That is something we should all be aware of, not just a couple of staff members on the Appropriations Committee. The American people should know that, in fact, they do not have the money in the bank to fund their pension liabilities. Yet we are going to suppress that information. We are going to keep it from the sunshine. We are going to keep it from the light of day so the American people cannot see how miserably the government runs its own business. We do not want that out. We do not want you to see it.

I could go on and on. I have three pages of reports. Notably, some of them are security related and should

not be released to the American public, which this amendment protected.

What this means is that 88 percent of the Members of the House and 70 percent of the Members of the Senate do not have available to them the tools with which to make decisions. But, more importantly than that, the American people do not have transparency in their government. They are never going to be made available for taxpayers to read. They are never going to see how sloppily the money is spent, how we borrow money from funds that are supposed to be dedicated and spend them on things that are pet political projects. We do not want them to see that. This is not controversial. The only place it is controversial is to those who are working in the dark. And the very fact that this did not come out of conference with transparency—every other appropriations bill we have passed so far has had this transparency for report language. So why would we bring it to the floor? We should be very concerned that was excluded from this conference report, for a republic cannot function, it cannot survive unless it is truly transparent to the people it represents.

Our President was elected on the promise of bringing greater transparency to Washington, not only just to the workings of the Federal Government but to our daily workings as we tend to government. Congress should have supported this effort.

I serve notice on the Senate that any conference report that does not have transparency, which I will offer and have offered to every bill, that comes back from a conference, I will do everything I can to block it until that is put back in it. The American people deserve no less than that. It is, in fact, their government, not 30 appropriators' government. It is not just the 30 appropriators who get to govern this country. The fact that this piece of good government, of transparency, of putting out for everybody to see what we are doing has been precluded sends exactly the wrong message to the American people. So it will be that I will come here again, and I will not give up until such time as the American people truly get to see a transparent government.

The President and I passed a bill called the Transparency and Accountability Act. You can go to usgovernmentspending.gov and you can see where we are spending money. Sometime this spring you are going to see it all of the way down to the subcontractor, subgrantees level. You are going to be able to go online and see where every penny, except for national security purposes, is spent and who got the money. That is real open government. That is real democracy. That is real freedom. That is real liberty.

Without that, based on the demonstration that we make here today by bringing up a bill that keeps us cloaked in secrecy, that keeps the American people in the dark, what we will have and continue to have is less and less confidence of the American people as we try to lead this country back to the greatness it once had.

CJS APPROPRIATIONS

I am now going to spend a few minutes, if I may, talking about the Commerce-Justice appropriations bill. This is another in a long line of bills that has a double-digit increase in the size of the government, on the back of a double-digit increase last year, and on the back of a $16.2 billion shot in the arm from the stimulus.

We were at $60 billion, essentially, last year, and we are going to increase it by $7.59 billion. That is a 12.6-percent, 12.7-percent increase. I brought a chart out here last week. I will bring it back again today as we debate the amendments I have. But not counting the stimulus, if we keep passing appropriations bills at the rate at which this body has passed this year, the size of the Federal Government will double in 3.5 years.

I think that is probably just exactly the opposite mood of the American people today. Yet we turn a deaf ear to the fact that 43 cents out of this $67 billion that we are going to spend—43 percent of it we are going to directly borrow from our kids.

We do not have the money in the bank to pay for this. We are going to finance it through a lower standard of living for our children. There is no question a portion of this increase is related to the census. The Census Bureau is in a mess. We have a good new Director. It was completely mismanaged by the Bush administration, there is no question about it, by the Secretary of Commerce, and also the Director of the Census.

We had a great caretaker who replaced the previous Census Director, and he did what he could. Now we have a new, very experienced Director of the Census by the name of Dr. Groves, who is handling a very difficult problem.

But it is going to come out that it is going to take $60 a person—hear this—to count the people in the United States.

Please give me that contract for 10 cents a person. Please let me do it for 10 cents a person. We are going to spend 60 cents a person—pardon me, $60 a person, $60 a person to count the people in the United States.

Go figure. Let's outline what happened to the Census. The Census routinely uses no-bid, cost-plus contracts. Whatever it costs, do it. Well, it just so happens their plan went awry. They paid bonuses to a company that failed to deliver what was ordered. The Census failed to be clear about what they wanted in terms of the electronic devices. So we have $750 million worth of junk we cannot use. Somebody ought to be held accountable for that.

Do you know who that is? That is us. How dare we waste almost $1 billion on one contract, because it was a cost-plus, was not overseen. We did not know what we were asking for, and yet the people who supplied it did not lose a thing. That is a very profitable contract.

That is why we have problems in the Federal Government. That is why we have $50 billion worth of waste a year in the Pentagon: because we do not know what we want, and there is no capital at risk for the people who are bidding these contracts. So, consequently, they just do whatever because it is cost-plus. They just send a bill at the end of the month, and we pay it. So we are going to have an $18 billion census that has a high likelihood of being the least accurate census we have ever had. There are probably going to be numerous lawsuits over this census.

My hope is that Director Groves can, in fact, salvage the census. But when we get it, it is not going to be accurate. It is going to displace six House seats because it is going to count illegal aliens who should not be counted in terms of the apportionment for the seats in Congress.

There are 561 earmarks in this bill. Two-thirds of them—hear me clearly—go to members of the Appropriations Committee. Is that not a coincidence? One-third goes to the other 70 Members of the body, but two-thirds goes to the 30 members sitting on the Appropriations Committee.

The President proposed that two programs be absolutely terminated because they have zero worth, value, and contribution to the Federal Government. They are both funded in the bill. The bill is one of many we will pass that will have double-digit increases. I wonder how many families right now are seeing a double-digit increase in their income. That is a rarity today in our economy. Yet we put on the floor almost a 13-percent increase which is about the average of everything else we have been putting out here, in spite of the fact we just spent $800 billion of our kids' money on a stimulus package, and this agency received a significant portion of that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I want the American people to know where we stand financially. The war on terror will not defeat us. We will defeat ourselves. Every known republic to the world collapsed through fiscal mismanagement. We can read the history, Alexander Tyler on the Athenian empire, several other scholarly works throughout the last two to three centuries.

What we are really talking about is our kids. They are not my kids. My kids are grown. They are all in their

30s. We are talking about youngsters this age. She makes a great point. She is already $38,375 in debt, and all she owns is a dollhouse. The sad thing is, she totally underestimates, because her obligation for things we have promised ourselves for which she will have to pay above and beyond income tax rates we have today, Social Security taxes and Medicare taxes, is just a mere $400,000. So by the time she becomes 20, she will owe $800,000, if we count the interest which is coming. It is not long before we will be spending a trillion dollars a year on interest. And this number, by that time, will be $118,000. So now we will have her at $918,000 that she is going to have to pay off for us.

Think about that as a moral question. Should we in fact cut the legs off our grandchildren so that politicians and political leaders today can spin things and avoid making the most difficult choices that we now need to make? If one follows the news, especially the financial news, the problem the United States faces today is the fact that the world is losing confidence in the dollar. There is a reason for that. What is the reason? The world is starting to sense that as we continue to borrow more and more billions and trillions of dollars that we will not be able to pay it back. Therefore, the world's valuation of our currency becomes less confident. Therefore, the cost to borrow in the future becomes higher. The figure I just quoted, the $918,000 per child who is born over the next 30 years, is based on today's interest rates of 3.4 percent on a 10-year note that the Government offers. What happens when the interest rates are 10 or 11 percent? We are talking about a fiscal collapse that has never before been seen in the history of the world. Yet we continue to put spending bills on the floor and laud the fact that we are only borrowing 43 cents out of every dollar we spend this year.

There will come a time when we can't borrow 43 cents out of every dollar we spend. What will we do then? What will happen then? What will happen is the following: We will either see a totally debased currency which means everything we worked for our entire life will be markedly decreased in value or we will see 15, 20, 30 percent inflation. There is no other exit for this other than for us to do the following: We have to start making the hard choices now.

This bill doesn't do it. From 2008 to 2009, the fiscal year ended September 30, we increased CJS by 15.5 percent. This bill comes back and increases it another 12.6 percent. Compound that out and we find, without the stimulus money they also got, that we will double the size of this agency in less than 4 years. I am not sure that is what we want.

Here is what we have done so far. If we look at the bottom corner, inflation is expected to be less than 1.6 percent. Yet we see the following percentage increases: 5.7; 7.2; Energy and Water, 1.4—the only reason it was 1.4 is because they got $45 billion from the stimulus—Agriculture, 12.6; Treasury-HUD, 22.5; Interior, 16.2; and now CJS, 12.6.

Most families—and I know almost every business—are making hard choices right now about what they spend money on and what they do not. They are in tough times. Somehow that hasn't reverberated to this body. If it has, it has not reverberated to the appropriations committees of the House or Senate. That will be an amendment to freeze spending at last year's level, which could easily be done, but we don't have the courage to do that. There will be several other amendments offered. They are working on an agreement at this time.

I will be offering three amendments. I will wait until the Senator from Maryland comes before offering them. I understand they don't want me to call them up at this time. So I will not. One of the amendments limits funding to the National Science Foundation. It has created quite an uproar with political scientists that we would dare decrease the amount of money we spend on figuring out why politicians are vague or why certain people vote a certain way or the other way. What happens when we spend money on obvious answers is that money for the National Science Foundation doesn't go to cure a disease. It doesn't go to make an absolute impact on some child who is suffering from a chronic disease that unless the research dollars are there, they will never have a normal life or lifestyle. In fact, everybody screams when some of their money gets attacked.

So the political scientists in the country, those who get this money, $91.3 million over the last 10 years that we have doled out to political scientists, that $91 million could have gone to the study of biology or chemistry or pharmaceutical science or fields of endeavor such as micronutrients or cellular metabolism or genetic manipulation so we can cure a disease. Instead, where do they spend the money? Campaigns and elections, electoral choice systems, political change, domestic conflict, party activism, political psychology, and political tolerance.

What are some of the good things NSF does? NSF scientists have developed new computer-generated robotics to help people with severe disabilities. They can do what we can do, those of us who don't have a physical disability, except they can now do it with a robot. They become independent again and get their life back. NSF supported engineers that created a bone substitute that blends in tendon tissues which mimics natural bone and provides better integration so that people with lost movement in their joints have it returned. NSF created technology with their grants to engineer the next generation of biofuels. We are seeing the science. They created a new type of fiber reinforced concrete that bends without cracking. It is 300 to 500 times more resistant to cracking and 40 percent lighter in weight which means we can build bridges that will never fall down. We won't have a Minnesota tragedy again. That is the real science from the National Science Foundation.

Let me give a little hint of what the National Science Foundation projects for political science have been.

There is $188,206 to ask the question: Why do political candidates make vague statements, and what are the consequences? We all know the answer to that. They make vague statements because they want to get reelected. They do not want to get pinned down. It is not hard to figure out, but we blew a lot of money on it.

How about a grant for political discussion in the workplace? That has to be an important priority for the country now that we are running a $1.6 trillion deficit.

Here is one: television news and the visual framing of war. I am certain that is an important research topic that we should sacrifice our children's future for, and I know it must be a priority for her, this little girl, whose daddy or mama was smart enough to recognize what the real consequences of our behavior are.

Or how about another study: Why people are for or against military conflicts? Nobody is for military conflicts. They are for the defense of our country. But to spend money to study why people are for or against? Tell me what that contributes to her future?

I am accused of being a flatlander. I do come from Oklahoma. I was born in Wyoming. But there is one difference with us flatlanders: we actually have worked in our lives, we understand common sense, and we have had to make hard choices before.

How about this study, the impact of Medicare reform on senior citizens' political views. I can tell you what it is. We take away a benefit, they are not going to like it; we add a benefit, they are going to like it. Send me the check. I will do it for free. It is plain, old common sense. It may be nice to have the statistics behind that, but we all know the answer to those questions.

Here is another one: evaluate whip counts. Let me tell you what a whip count is. Every party has a whip so they can count the votes before they happen so they think they know what is going to happen on the vote, so they know what votes to bring up and what votes not to. We are going to have a study by Congress: How do whip counts impact party leaders in the legislative process? Who cares. Nobody should care about that. What we should care about is her future. We have our priorities totally upside down and turned on their ear.

How about a conference on the effect of YouTube on the 2008 election. Now, the people who are interested in that are politicians because ''how do we use YouTube to get reelected?'' Should we

be paying for that with your tax dollars? ''How do we keep incumbents incumbents?'' I would think a better study of political science is, how do you throw us all out. That is a better use of the funds. How do you get rid of us since we are doing such a terrible job managing the finances of this country?

Or how about the ''NewsHour'' with Jim Lehrer—to pay for complete, live, prime-time gavel-to-gavel coverage of the Democratic and GOP National Conventions. Guess what. They were covered by three other networks free. We did not pay them a penny. Yet we pay this.

We are going to increase NSF's budget in this bill 8 percent, the National Science Foundation. It is the one we ought to be increasing 12 or 15 percent, but it ought to be on real science, on pure science, on science that has an outcome we can measure that is not related to the observation of common fact but is new research that will derive great benefits for the people of this country.

So I will be offering an amendment to limit the amount of money. We are going to hear all sorts of claims. What we have heard already on the blogs is that National Science Foundation political science research contributes to our understanding of democracy. I think we have pretty well figured what democracy is. ''Our ability to have a free and open democratic process would be significantly harmed without this research.''

You know what is being harmed is her generation, as we foolishly spend dollar after dollar on things that are not a priority—hundreds of millions of dollars on program after program after program that 90 percent of Americans could say: That might be fine if we were in a cash-rich position, but at a time when the Federal Government is about to double every 4 years and the debt is about to double every 5 years, wouldn't it be smart to not spend money we don't have on things we don't need? So that is what this amendment is.

There is another claim: The loss of National Science Foundation funding will significantly harm political science research in this country. Let me give you a few facts about that. The University of Michigan—they are the receiver of the largest grant under the NSF—has a $7.5 billion endowment. That is just one of the universities—$7.5 billion—and we are supposed to keep sending, every 10 years, $100 million for political science research.

Here is the political science—here it is: The heritage of this Nation is that one generation creates opportunity for the next by sacrificing, making the hard choices they need to make to make sure what has worked in the past will provide them opportunities in the future. This does not do any of that. What it says is, the ones who are on the ins, the people who are well connected now, the people who are dependent on millions of dollars of funding—when they are sitting with billions of dollars in their endowments—are worth more than she is. That is exactly the problem.

Until we figure out we are going to have to make some tough sacrifices, her future is at risk. Unless we do this fairly soon, we could very well be on an irreversible course. Two or three more years of spending the way we are spending and borrowing the way we are borrowing will doom her to a standard of living 40 percent below what we see today. Those are not my words, the economists agree. The governments are going to end up consuming 45 or 50 percent of our total GDP. We are at 10 percent this year—the highest in our history with the exception of being in the midst of World War II. Never have we been in such shape as we are in today.

I think we have a lot of things wrong. But the No. 1 thing we have wrong is we have forgotten that service is about sacrifice. Service is about giving up something of you so somebody else gets ahead. We cannot expect the American people to model that behavior if we are not willing to do it. If everything we do is about protecting our own vested political interests and protecting our campaign contributors and protecting the well connected and not excluding and divorcing ourselves from all of that and making great commonsense judgments, we are history as a nation.

I wonder when it started. I wonder when it started that we decided we were more important than the country. I wonder when it started when we decided we would push our hand and say: Stop the heritage of this country. When did it start that we decided we were worth more than the generations that follow us? When did it start that we decided we were not brave enough to take the hits to make the hard choices so the Republic can be preserved? When did it start? When did that cowardice start because it is ever present now as we go through the appropriations process.

I ran a business for 9 years, and I learned a lot doing that. I learned a lot about people. But I also learned a lot about making tough choices. We, in fact, can make tough choices and preserve what is good and best and brightest in all of us. As a matter of fact, hope comes from that, when people make those tough decisions that, in fact, consider the very personal nature of how individuals are affected and they are at work for the common good for the long run.

You see, there is not a business out there today that is surviving just thinking only in the short run. If they are, they will not be here 2 years from now. They are all thinking in the long run. They are all positioning, planning, managing, developing. The same with families. They are doing that right now at the dinner table—positioning, planning, developing what is going to come next: How we are going to get where we want to go. We are in a rough period now. What do we cut back? What is the thing that we sacrifice today to secure the future for our family tomorrow?

Ashamedly, not much of that exists in Washington. What does exist is a willingness to say yes to everybody, and then wink and nod and try to have it both ways. I am not a both ways kind of guy, and neither is America. The great sheet is about to be lifted over the, I would use, imbecilic methods of Washington. When transparency gets its full view, America is going to make some major changes, and I am not talking Republican-Democrat. I am talking both.

This is a problem of elitism. This is a problem of short-term thinking by the political leaders of this country on: How do I manage my political career and to heck with the rest of the country. Nobody in their right mind would bring appropriations bills to the floor that have these types of increases at a time when we are stealing $1.4 trillion from our grandkids. How do we justify it? How do we justify growing the Federal Government at a time when families are struggling like they have never struggled except during World War II and the Great Depression? How do we justify that?

We do not justify it. We cannot justify it. What we can do, and what will happen in the debate on the amendments I bring forward—they will be ignored. They just will not debate it. It will go away. That is what happens when we bring critical amendments to the floor and question the wisdom of growing the Federal Government larger and larger without developing a way to pay for it and without taking a critical look at all of those programs out there.

There is $350 billion worth of waste, fraud, and duplication in the Federal Government right now. The American people ought to be clamoring that we freeze spending everywhere until we have done a review of every government program that is out there—just like they are doing with their own families, just like they are doing with their own businesses, just like every organization in America today is having to do, except governments.

How is it this can happen? How is it we can go down the sewer drain just like other republics, knowing what history says will happen to us if, in fact, we abandon fiscal sanity? That is what this appropriations bill does, and all the rest of them we have passed because, in fact, we will double the size of the Federal Government in the next 4 years, based on 2008, 2009, not counting the stimulus.

If we are running a $1.4 trillion deficit—actually $1.8 trillion when we count everything we have stolen from Social Security and everything we have stolen from, for example, the inland waterways trust fund and the other trust funds; and we have not funded any Federal pensions; and, by the way, we have not funded anything else we have an obligation for, such as

VA health care or military retirement—none of those things are funded—what happens when we get in the crunch?

What happens when nobody loans to us anymore? Wouldn't it be prudent to prepare for that? Wouldn't it be prudent for us to dig in as a nation—Democrats and Republicans and Independents—and say: Time out. Let's look where we are. Let's quit wasting $350 billion a year. Let's eliminate the duplication. There are 800 programs outside the Department of Education that are run by the Federal Government for education—outside the Department of Education. How about eliminating them or at least putting them in the Department of Education and consolidating them. And oh, by the way, education has done a wonderful job at the Federal Government level. As soon as the Federal Government got into our educational system, our scores started declining, our graduation rates started declining, and our college graduation rates started declining. That is the record of the Federal Government's involvement in education in this country.

There is a lot we can fix, not just my ideas. The question I am asking is, Why aren't we asking the question? Why aren't the American people challenging their elected Members to the Senate and the House? Where are your priorities? Does she not matter? Does their future not matter? Answer the question: With $918,000 worth of unfunded liability and debt for which at 20 years of age she will be paying—we will be paying the interest, which means the taxes for that interest will come back to her eventually—how will she get a college education? How will she own a home besides a dollhouse? How will it happen? Will Tinker Bell just come down and give it to her? That isn't going to happen. So as we think outyears, we ought to be thinking about what our actions today are going to cost. Yet we don't.

These are disturbing times. These are not just disturbing times because we face a war on terror, and they are not disturbing times because we have an economic downturn. What is disturbing is that we absolutely have avoided leadership in bringing this country back to its commonsense basics of spending money we have for things that are an ultimate priority, not spending money we don't have on things we don't need. A large portion of these appropriations bills spends money we don't have on things we don't need. We may want them. There is no question that politicians want them. There is no question that the National Science Foundation political science grantees want them. Do we need them? That is the question. And we have no leadership that will discern, at a crucial juncture in our history, a path that will bring us to not only a recovery from this recession but a recovery for an opportunity for every child her age.

It is deeply personal with me. I have five grandchildren. I look in their eyes, and I see the potential of their lives and all of these other children who are out there. There is tremendous potential in them. You know what, we are going to waterboard them. That is what we are going to do. We are going to waterboard them. We are going to flood them with debt. We are going to shackle their opportunities. We are going to limit their possibilities because we don't have the courage to make the difference for their future.

Mr. President, I will yield the floor, and I will come back and offer my amendments when the Senator from Maryland arrives.

With that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent to call up amendment No. 2631.

The PRESIDING OFFICER. In my capacity as a Senator from Nebraska, I object.

Mr. COBURN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2631

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 2631.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. COBURN. I ask unanimous consent to set aside the pending amendment and to call up amendment No. 2631.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2631.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To redirect funding of the National Science Foundation toward practical scientific research)

At the appropriate place in title III, insert the following:

SEC. ____. None of the funds appropriated under this Act may be used to carry out the functions of the Political Science Program in the Division of Social and Economic Sciences of the Directorate for Social, Behavioral, and Economic Sciences of the National Science Foundation.

AMENDMENT NO. 2632

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2632.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2632.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

AMENDMENT NO. 2667

Mr. COBURN. Mr. President, I ask unanimous consent to set aside that amendment in order to call up amendment No. 2667.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. Coburn] proposes an amendment numbered 2667.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce waste and abuse at the Department of Commerce)

At the appropriate place, insert the following:

SEC. _____. (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL.—The amount appropriated by title I under the heading ''OFFICE OF INSPECTOR GENERAL'' under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''DEPARTMENT OF COMMERCE'' is increased by $4,499,000.

(b) OFFSET.—The amount appropriated by title I under the heading ''HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION'' under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''DEPARTMENT OF COMMERCE'' is decreased by $5,000,000.

Mr. COBURN. Mr. President, I wish to talk about amendment No. 2667. This is a fairly straightforward amendment.

The House has $5 million for renovation of the Hoover Building. There is

no question that we need to have a continuing ongoing project of renovating that. However, in the Senate, we have $17.5 million.

If we look at the Commerce Department and what is going wrong, what we see is that because we are limited by funds, we don't have an active enough oversight of what is going on inside; otherwise, we could never account for the billions of dollars of waste on the census.

This is a straightforward amendment. It just says: Of that $17.5 million, we are going to take $5 million, which still puts us at 2½ times what the House has, and direct it toward the Inspector General's Office of the Commerce Department. What that does is it enhances oversight, enhances transparency, and enhances communication back to the Commerce Department so we can see what is going on with an agency that is obviously troubled.

The inspector general's department, and agency-wide, is fielded by tough, great people who probably would pretty much agree with everything I spent the last hour talking about. The fact is, they are limited in what they can do. They are limited by the funds we give them. So we now come down again to priorities. Do we build bicycle racks out in front of the Herbert C. Hoover Building or do we spend money making sure the inspectors general and the auditors can actually see what is going on in this agency?

It is very straightforward. It is going to be a fun vote. I understand how amendments go on the Senate floor when we are in the mood to spend money and not act responsibly. But do we really want transparency, do we really want to know what is going on, do we really want to discover the reason we are in such big trouble, and do we really want to fund the inspector general at a level that will give us the information upon which we can make better decisions? That leaves alone the question of whether we will make better decisions. I have a lack of confidence on that, but at least with the right information, we will be able to, in fact, see what is going on.

We continue not to prioritize funds. The Department of Commerce is going to get a 52-percent increase in funding in our version of this bill. It receives $7.9 billion in additional stimulus funds. That was 85 percent of what they received entirely in 2009, which means in a matter of 2 years we will have given them on average three times what they receive normally in a year. So we are talking about taking a small portion—$5 million—and directing it to the Inspector General's Office so they can do what is needed to be done in terms of carrying out their responsibilities.

There is no question in my mind that the Department of Commerce is suffering from mismanagement. I am not directing this to the present Secretary; I am directing this backwards through the Bush administration. Here are some statements that were made in the Senate report accompanying this bill:

> The committee is extremely concerned about the persistent pattern of cost overruns and schedule slippages on major projects and missions carried out by the agencies in this bill.
>
> The committee remains apprehensive about the management of the census.
>
> Reports have exposed a culture within many agencies that exhibits a lack of accountability in oversight of grant funding.
>
> The committee is concerned that the Census Bureau has failed to implement three recommendations by the IG.
>
> NOAA's satellite programs have undergone extensive independent reviews after experiencing cost overruns, delays, and setbacks.
>
> The National Polar Orbiting Operational Environmental Satellite system has struggled for years with cost overruns and schedule delays and a high risk of gaps occurring to the Nation's weather and climate satellites.
>
> The committee remains concerned by the lack of progress in reducing patent pendency and the overall patent backlog.

I note the committee routinely takes money away from patent fees to use on other funds. As such, the committee has provided bill language to transfer funding to the Office of the Inspector General for the express purpose of conducting all audit engagements in the oversight of U.S. Patent and Trademark Office.

Despite these concerns—and I didn't list them all—with the Commerce Department, and a 52-percent increase in spending in the bill, if you were concerned, why would you increase spending that much? That is No. 1. The account for the inspector general is increased only by 4.4 percent. So this is a measly little $5 million out of a $17.5 million increase. The House only has $5 million for the Herbert C. Hoover Building. So we put 2½ times what the House does in the building, and we actually give the IG the money he needs to do his job. There isn't an agency that needs more oversight and more work by an inspector general than the Commerce Department.

I will limit my comments on this at the present time, and I will defer to the chairman, if she wishes to speak; Otherwise, I will discuss one of the other amendments.

Ms. MIKULSKI. Mr. President, first, we acknowledge the need for the Commerce Department to clean up its act in terms of its spending. The Senator from Oklahoma has indeed identified the very programs that give me heartburn as well: the NOAA satellite program, which continually has cost overruns; the decennial census, until we intervened with Secretary Gutierrez, had become a techno boondoggle; the backlog at the Patent and Trademark Office is well known.

However, he proposes to increase funds for the IG, even though the bill already meets the request for this office. This amendment is unnecessary because we provide $27 million for the Commerce inspector general. This matches what President Obama said he wanted to put in the Federal budget, and he thought it would do the job. In fiscal year 2009, the IG of Commerce received 25.8. So we puffed it up 1.2 million already. In addition to the stimulus package, just to be sure that money was going in the right direction, we in the subcommittee, working on a bipartisan basis with Senator SHELBY, put in an additional $6 million to make sure we did have oversight and accountability. We have not received any indication from the IG that that IG needs more money. Unnecessary funding will not make those problems go away. What we want to do is be able to push them, advocate them, and stand sentry.

The building restoration which this amendment proposes to do will only add to the Commerce Department's problems. It is called the Herbert C. Hoover Building. The building is in substandard condition. It really is in substandard condition. It is the only building over there that has not been upgraded in several years. Funding in this bill would begin to modernize it, particularly in much needed health and safety codes—heating, air conditioning, electricity, and plumbing. Funding in this covers the long partnership with GSA. I want the Senator from Oklahoma to know I agree that we have to stand sentry on Commerce. If you go over the bill, I have added some tough provisions with Senator SHELBY on oversight—particularly on this NOAA satellite program. But taking from much needed repairs at Commerce to fund the much needed repairs in oversight I don't think cuts it. I will oppose the amendment of the Senator from Oklahoma, though I think he and I are on the same broadband about necessary stewardship.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. We have communication from the GSA that says this amendment will not inhibit any of the plans, upgrades, or improvements to the Herbert C. Hoover Building. No. 2, we all admit there are problems at the Commerce Department. We have a 12.6-percent increase in spending but we increase the IG by 4.4 percent. We are going to increase spending three times faster than the ability to track it and oversee it. We did increase it 4.4 percent, but we increased the agency 12.6 percent. We have our priorities backward. We should be increasing the IG by 12.6 percent and the agency 4 percent, or 1.6 percent to match inflation.

This amendment will not, in any way, according to GSA, impede their ability to make the corrections that they need to make in terms of health and safety at the Herbert C. Hoover Building.

I thank the chairman for her recognition of the problems at this agency. The answer to solve it is to let the dogs run. Let them find it. Let them go after it. Let them bring to light transparency, and let them bring the reports that we need so we can make the changes we need.

AMENDMENT NO. 2632

I want to spend a few moments on my next amendment, No. 2632. This is a very similar amendment. I spoke about it earlier. This amendment says that whatever reports we ask for, whatever answers we want from these agencies, in fact, unless it has to do with national security or defense, should be reported to every Senator, not just the Senators on the Appropriations Committee. And more importantly, it should be reported to everybody in America. This is a great open government amendment which says we will be transparent.

We are requesting numerous reports in this bill. Why should the American people not get to see what those reports show? Why should we not get to see how we are spending our money, why we are spending our money, and whether the effect of spending the money is having the desired outcome? H.R. 2847 requires reports, audits, and evaluates all decision documents and expenditures by the Bureau of the Census. We all know that has been a problem. And I dispute that Secretary Gutierrez did anything about the problem, other than talk the former leader of the census into leaving. Secretary Gutierrez should have been following the census to know before it ever got in that kind of shape. We have a wonderful leader there now, and I fully support him. I supported his nomination, and I supported his approval by the Senate.

This would also require a quarterly report by the Attorney General regarding the costs and contracting procedures related to each conference held by the Department of Justice. Why should not everybody get to see that? Why should not Americans, who are actually paying for that, and their grandkids, such as this young lady in the photo, get to see it? Why should she not get to see that? This is straightforward. We will have a vote on this amendment. I have learned my lesson on not getting them accepted. When they go to conference, we still hide it from the American people. So we will have a vote on this amendment and see whether people want to hide what we are doing or want it exposed fully to the American people. It is a good government amendment.

We also have a request for a report that the Secretary, within 120 days of enactment of this act, shall report to the Committee on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of Census as it relates to the 2010 census. Why just the Senators on the Appropriations Committee? Why not the American people? Why should they not see that?

The other thing it will do is allow us to conduct better oversight. The committee chairman—I have great regard for the Senator from Maryland, because I think she does care about oversight. I cannot say that about all of our colleagues on the Appropriations Committee. We would have done a lot of oversight on the Census Bureau in the Government Affairs Subcommittee. I can tell you that we have great employees there. We have had terrible leadership until now. At $60 a person to count people in the United States, people ought to ask why. How did we allow this to happen?

This amendment is one that the vast majority of Americans concur with and the vast majority of my colleagues, I hope, will concur with.

I yield to the chairman of the committee.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I want to make a comment about the status of the Commerce Department building. I will be very clear that the subcommittee, on a bipartisan basis, supports vigorous oversight. The Commerce Building has not been renovated in more than 20 years.

Let me quote to you from the Washington Post in an article called ''NOAA's Ark.'' It says:

> When the Marine ecologist Jane Lubchenko was finally confirmed in March as the Under Secretary of Commerce in charge of NOAA, she went to check into her new digs on the fifth floor at the Commerce Department. It was a fine corner on 15th and Constitution, nothing fancy, but it overlooked the Washington Monument. But when she opened the door and she went to powder her nose, she found a massive Norwegian rat. The critter had come in through the derelict plumbing that was in her office. Now, she, with her typical good humor, laughed it off and said, as an ecologist, she found it biologically fascinating that sewer rats were able to come into the Commerce Department.

We told her she couldn't have a grant to study it, but we wanted to do something about the renovation. That is what we are—we want the best and the brightest to work in our government agencies, and to come up with new ideas such as in NOAA, to save the planet, to do the necessary scientific research to save fisheries. In that case, it would have influenced the economy of my State tremendously. We cannot minimize the need to refurbish that building. Air pockets have been developing in the plumbing at the Department of Commerce, and in order to get rid of the rats, you have to have regular flushes. This is not a laughing matter. It sounds like a laughing matter, but I want to be able to go forward to modernize the Commerce Department, working with the Secretary, and continue our vigorous oversight. Let's modernize the building. I hope we can defeat that amendment.

There is an amendment that the Senator from Oklahoma has offered that requires more transparency in our reports to Congress. I think that is a good idea. Again, discussing this with my colleague, Senator SHELBY, we both think it is a good idea. If the Senator from Oklahoma will concur—because I am for transparency and I believe we cannot have enough of it so that the American people can see things and make up their own minds—in the interest of time, I would accept the amendment. If the Senator would be willing to do a voice vote, I would be more than willing to accommodate that. I think the amendment is excellent and I believe it improves the bill. I am happy to accept it, or have it voice voted, or have a recorded vote, whatever the Senator wants.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I thank the chairman for her words on this amendment. I have learned a very critical lesson. We have an Energy and Water Appropriations bill that we did the same thing on. For some reason, it didn't come out of conference. Transparency didn't come out. I don't doubt the veracity of the senior Senator from Maryland, but I would just as soon have a recorded vote, if she would not mind.

I also want to answer the story of the rat, which is a great example of the mismanagement at the Department of Commerce. It does not relate to the present Secretary at all. If, in fact, you have plumbing problems in the building, the management is supposed to raise that issue. In fact, the Department of Commerce received a large sum of money with the stimulus. The House has only $5 million for the Herbert C. Hoover Building. GSA says this amendment will not limit at all their ability to accomplish what they want to accomplish there.

So if, in fact, $17.5 million is enough to get it done, why would we object to having more than that—if GSA says it is only going to pay $17.5 million, why are we putting $22.5 million in it in the first place?

The example proves my point: Management is lacking. With vigorous leadership and a vigorous, strong inspector general force that is funded at the same level of increase that we fund the government, as far as percentage of increases, we could hope to accomplish that.

AMENDMENT NO. 2631

I will move to my other amendment No. 2631. I spent a lot of time talking about this amendment before the chairman came to the floor. I will not repeat everything I said, but I will discuss the question of priorities.

I have a great respect for a lot of what the National Science Foundation does. I have very little respect for their grants for political science as a science. Part of that is because I think it is low on the priority of where they should be spending money when we can create things through NSF to save lives and also because of some of the grants that have been spent and put out there.

I will review a few of those over a short period of time and then will yield the floor to my colleague, the chairman of this subcommittee.

How do you back up the fact that the National Science Foundation gives a

grant for political science—here is the question asked: Why do political candidates make vague statements and what are the consequences? In the realm of science, being a physician, being trained in the sciences, first of all, it is a question to which we already know the answer. We know why politicians make vague statements. Because they don't want to get pinned down. But most important, they want to get reelected or elected. For us to send money to study something that stupid, that low on priorities is beyond me.

Or why are people for or against military conflicts? Do we need that science to tell us so that the next time we are in a military conflict we go out and manipulate the American people or do we have military conflicts based on the national defense and security interests of this country, even when there are political consequences to it?

The real world would never fund such stupidness. They would never allow millions and millions of dollars every year to be spent on silly things to help politicians understand why they spin or why they do not answer questions or why people might be for or against war. It is pretty easy to figure out.

Or studying how Medicare reform affects seniors' political views. That is pretty easy: If it hurts me, I am ''agin'' it; if it helps me, I am for it. Yet we spend hundreds of thousands of dollars paying for grants, through the National Science Foundation, to universities that have billions and billions of dollars in endowments. As a matter of fact, Tufts University has billions in endowments. They charge their students $40,000 a year in tuition alone. They are the recipients of some of this grant work, and they are the ones squawking the loudest.

So here we have an entitled class of professors in political science who now don't want their gravy train taken away when I say right now there is no way this can be a priority for this country with the debt we have and the economic situation we have. It cannot be as important as a multitude of other things for this young lady. It cannot be.

I do not have any illusions about what is going to happen to this amendment. I know the appropriators reign supreme. What I am hoping is that the American people ultimately reign supreme. So as we vote to vote down this amendment or they vote to table this amendment so they do not have to directly vote on the amendment, one has to walk back and say: What is going on in Washington that you will not clean up the excesses in a time of great national distress? We will not and we haven't, and that is why we have a giant increase from last year and this year. We entered the recession in 2007, remember? That is why we borrowed 43 cents out of every $1 we spent this year because we will not make these hard, tough choices about why politicians are vague, while we continue to spend millions and millions of dollars so somebody can sit in an office and pontificate and you can see the same answer—all you have to do is look at the news shows and you get the same answers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I make an inquiry of the Chair. Do we have a limit on time for debate?

The PRESIDING OFFICER. The time from 4:30 p.m. to 5:30 p.m. is evenly divided.

Mr. COBURN. I understand. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, for a point of clarification, the time of the Senator from Oklahoma has expired and how much time do I have?

The PRESIDING OFFICER. There is 22½ minutes.

Ms. MIKULSKI. Mr. President, I would like to speak on these amendments for as much time as I may consume, and then if there is some remaining time, perhaps we could, in the interest of comity, share some time. As I understand it, there is a vote scheduled at 5:30.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Mr. President, before the Senator leaves, I wish to give him two punch lines. First of all, I know he doesn't think much of political science. He made that clear. But I wish to bring to his attention that Dr. Elinor Ostrom, who just won the Nobel Prize for Economics, is a political scientist. She received most of her funding through the National Science Foundation—28 grant awards since 1974. Those grants helped her lay the groundwork for winning the Nobel Prize. She is a political scientist, but she used that talent to win the prize. I will elaborate on that. I am a big fan of her work.

The other point I wish to bring to the Senator's attention is that the National Science Foundation has an $8 million agreement with DOD in their Social Science Department on the social science dimensions of national security, conflicts, and cooperation. DOD, under its Minerva initiative, has joined with the National Science Foundation because they want academic researchers involved in studying authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations, and other new dimensions in social security. I will describe those grants in detail.

Mr. COBURN. Will the Senator yield for a question?

Ms. MIKULSKI. In a minute. What I wish to make clear is that the National Science Foundation has helped fund the work that laid the groundwork for a talented person to win not only the Nobel Prize but to come up with the kind of ideas where maybe we could win markets and jobs. The Department of Defense thought enough of the National Science Foundation's Social Science Department to come up with an $8 million—and it is not a lot of money—but an $8 million agreement to fund 17 projects, where they are going to be studying things such as authoritarian regimes, terrorist organizations, the impact on religious and cultural change, and how maybe they could avoid us being blown up. If one of those studies helps one policymaker make one decision to save one marine, I think it is worth the 8 million bucks, and I am willing to put it in the Federal budget.

I will be happy to yield for a question.

Mr. COBURN. Mr. President, will the Senator agree that the Defense Department funds all sorts of research in all sorts of scientific areas, and they don't necessarily do that on the predicate—they do it on the basis of what their need is. There is a very big difference, does the Senator agree, between the social sciences and political science?

Ms. MIKULSKI. Will the Senator from Oklahoma agree that political science is one of the branches of social science?

Mr. COBURN. Sure, and I am only targeting with my amendment political science, not social sciences, if the Senator reads my amendment.

Ms. MIKULSKI. Within these DOD grants, I am not sure which ones are sociology, anthropology or political science because it is in that one directorate.

Mr. COBURN. I thank the chairman for allowing me to ask a question.

Ms. MIKULSKI. Mr. President, I oppose, as you can see, the amendment of the Senator from Oklahoma. He wants to eliminate $9 million from the political science program at the National Science Foundation. I don't like targeting an individual science area. Today it might be political science. Another Senator might target biology. Remember how we stifled science under the gag rules and gag guidelines of stem cell research?

Also, I don't like trivializing academic research and academics, that somehow or another there is worthwhile science and then there are others that can be minimized or trivialized.

First, I remind everyone about the work of the National Science Foundation. The NSF has received bipartisan support, and in rising above the gathering storm, the National Academy of Sciences pointed out that the National Science Foundation is one of our lead agencies in promoting innovation through its research and its education programs.

This bill also supports the funding for the Directorate for Social, Behavior and Economic Science. That is the one, which I talked about with the Senator from Oklahoma, which oversees the political science office. This directorate's mission is to use basic research to understand human and institutional behavior vital to rebuilding our national infrastructure and understanding how we operate as a society.

This program began in 1962, and over the years, it has also included an open,

transparent relationship with the Department of Defense. This is not black-box research. This is out-of-the-box research so maybe we could figure out our world better and deal with conflict resolution or when we are in a conflict, how we can work with other people around the world and build democratic societies and democratic institutions.

In recent news, we also were awakened with great pride that two American women won the Nobel Prize. One is Dr. Greider, in my home State of Maryland at Johns Hopkins. I talked with Dr. Greider the other day. Wow, what a great American scientist. She answered her own phone. She was going to join her daughter at a soccer game right after she had gotten the call from Stockholm. As we talked about her groundbreaking research in microbiology, she said she was able to do her work because of the grants she had received through the National Institutes of Health. They had helped her get her education, and they had helped her do her research. They helped her to win the Nobel Prize. But for herself, she thought the prize would be a tribute to what her work was in microbiology that could lead to saving lives.

We also had another woman win the Nobel Prize—Dr. Elinor Ostrom. Her training is in political science. She won the Nobel Prize for economics. She is the first woman ever to win the prize for economics—an American woman. Although not in the Congress, she has received several political science grants from NSF because political science also looks at institutions which also have an impact on our economy. Since 1974, Dr. Ostrom has received over 20 grants, and these grants helped her do her fieldwork all over the world in relationship to the economic activity of people and communities. The Royal Swedish Academy of Sciences thought enough of her work to award her the Nobel Prize. But long before they heard of her in Stockholm, the National Science Foundation had heard of her and helped her with her award-winning research.

We have to keep this going. Our National Science Foundation and our other scientific institutions must go where no thought has gone before. That is the point of discovery. Discovery has led to innovation. Innovation leads to the new ideas that lead to the new jobs in our society. A society that doesn't innovate stagnates. And innovation comes not only in engineering, though much needed; it doesn't only come in physics, though much desired; it doesn't come only in medicine, in the biological research, though much revered; a lot of this is the basic social sciences.

As I said to the Senator from Oklahoma, for the last 8 years there has been a relationship between DOD and the National Science Foundation—again, in open, transparent research. And here, I am quoting from the ''Federal Technology Watch,'' October 6, 2009. ''Federal Technology Watch'' is a weekly report on Federal technology, science, and policy areas.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from which I am going to quote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Federal Technology Watch, Oct. 9, 2009]

NSF FINDS DECLINING FEDERAL SUPPORT OF ACADEMIC R&D

US universities reported science and engineering r&d expenditures of $51.9-billion in FY08, according to a new National Science Foundation (NSF) report released Oct. 2. However, the preliminary findings of NSF's Survey of Research and Development Expenditures at Universities and Colleges are that federal funding decreased as a share of the academic r&d total, from 64% in FY05 to 60% in FY08. Despite this drop, the federal government retains its traditional role as the largest source of academic r&d funding.

The FY08 survey data showed an increase in federally funded expenditures of 2.5% in current dollars, reaching $31.2-billion. After adjusting for inflation, this is a 0.2% increase from FY07 and follows two years of real declines since FY05.

Other statistical notes from the NSF report include:

—Combined sources of non-federal funding grew 8.3% during FY08;

—State and local government funding of r&d expenditures grew in FY08 8.8%, increasing to $3.4-billion from $3.1-billion in FY07;

—Industry funding of academic r&d grew 7.1% to $2.9-billion in FY08;

—Funding from academic institutions increased 7% to $10.4-billion in FY08.

Also, r&d funds for joint projects that were passed through primary university recipients to other university sub-recipients almost doubled from FY00 to FY08, growing from $700-million to $1.4-billion in constant 2000 dollars. The current dollar amount of $1.7-billion represents 3.3% of total academic r&d expenditures in FY08, compared with 2.3% of the total in FY00.

InfoBrief 09–318, written by NSF analyst Ronda Britt of the r&d statistics program, is available at: <www.nsf. gov/statistics/infbrief/nsf09318/nsf09318.pdf>

ELECTRIC VEHICLE FORUM

The first-ever US-China Electric Vehicle Forum was held last week in Beijing, China.

Attended by over 140 US and Chinese officials from government, industry, academia and advocacy groups, the forum discussed progress made in the electric vehicle industry and opportunities for future collaboration.

The event, co-hosted by Department of Energy (DOE) assistant secretary for policy and international affairs David Sandalow and Chinese Science & Technology Minister Wan Gang, highlighted the rapidly growing electric vehicle industry in both countries.

''The US and China share a strong common interest in putting millions of electric vehicles on the road soon, which will lessen our dependence on foreign oil and help address the global climate challenge,'' Sandalow said Sept. 29. ''Working together, we can accomplish more than acting alone.''

America and China are the two largest auto markets and energy consumers, and together emit over 40% of the world's greenhouse gases. The forum offered a venue for experts to exchange views on recent electric vehicle developments and identify promising opportunities for technical and policy collaboration.

This year is the 30th anniversary of the US-China Science & Technology Agreement, which represented the first agreement between the two countries following normalization of relations in the 1970s.

''By working together, the US and China can leverage technological breakthroughs, increase consumer acceptance and grow market penetration of clean vehicles,'' said White House counselor for energy and climate change Jody Freeman, who was a speaker at the forum.

NSF–DOD PROJECTS FUNDED

$8-million has been awarded to 17 projects by the National Science Foundation (NSF) under a joint NSF/Department of Defense (DOD) solicitation.

The competition, Social and Behavioral Dimensions of National Security, Conflict and Cooperation, is focused on basic social and behavioral science of strategic importance to US national security policy, as part of the DOD's Minerva Initiative launched in 2008.

Four topic areas that address the needs of national security policymakers and the ideals of open academic basic research were determined jointly by DOD and NSF for the solicitation. They are: authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations and ideologies, and new dimensions in national security.

These proposals were funded under the 2009 competition:

—Status, manipulating group threats, and conflict within and between groups: Patrick Barclay (Univ. of Guelph) & Stephen Bernard (Indiana Univ.);

—Behavioral insights into national security issues: Rachel Croson (UT Dallas) & Charles Holt (Univ. of Virginia);

—Experimental analysis of alternative models of conflict bargaining: Wiilliam Reed (William Marsh Rice Univ.), Charles Holt (Univ. of Virginia), Timothy Nordstrom (Univ. of Mississippi), and David Clark (State Univ. of New York—Binghamton);

—Terror, conflict processes, organizations, and ideologies: Completing the picture: Stephen Shellman (College of William & Mary), Remco Chang (Univ. of North Carolina—Charlotte), Michael Covington (Univ. of Georgia), Joseph Young (Southern Illinois Univ.—Carbondale), & Michael Findley (Brigham Young Univ.);

—How politics inside dictatorships affects regime stability and international conflict: Barbara Geddes (UCLA) & Joseph Wright (Pennsylvania State Univ.);

—Mapping terrorist organizations: Martha Crenshaw (Stanford Univ.);

—People, power, and conflict in the Eurasian migration system: Cynthia Buckley (UT Austin);

—Strategies of violence, tools of peace, and changes in war termination: Virginia Fortna (Columbia Univ.);

—Avoiding water wars: Environmental security through river treaty institutionalization: Jaroslav Tir (Univ. of Georgia);

—Predicting the nature of conflict—an evolutionary analysis of the tactical choice: Laura Razzolini (Virginia Commonwealth Univ.) & Atin Basuchoudhary (Virginia Military Institute);

—Fighting and bargaining over political power in weak states: Robert Powell (UC Berkeley);

—Political economy of terrorism and insurgency (workshop): Eli Berman (UC San Diego);

—Substantive expertise, strategic analysis and behavioral foundations of terrorism (workshop): Rachel Croson (UT Dallas);

—New armies from old: Merging competing military forces after civil wars (workshop): Roy Licklider (Rutgers Univ.);

—Engaging intensely adversarial states: The strategic limits and potential of public

diplomacy in US national security policy: Geoffrey Wiseman (Univ. of Southern California);

—Deciphering civil conflict in the Middle East: J. Craig Jenkins (Ohio State Univ.); and

—Modeling discourse and social dynamics in authoritarian regimes: Jeff Hancock (Cornell Univ.), Arthur Graesser (Univ. of Memphis) & David Beaver (UT Austin).

DOD partnered with NSF to reach the broadest range of academic, social and behavioral science, and this collaboration combines the insights of DOD with the peer review expertise of NSF in support of the agencies' desire to promote basic social and behavioral scientific research in areas that will benefit the US.

EPA'S NANOTECH STRATEGY

A new research strategy to understand better how manufactured nanomaterials may harm human health and the environment was outlined by the Environmental Protection Agency (EPA) on Sept. 29.

The strategy describes what research EPA will support over the next several years to generate information about safe use of nanotechnology and products that contain nanoscale materials. It also includes research into ways nanotechnology can be used to clean up toxic chemicals in the environment.

Nanomaterials are between one and 100 nanometers and used in hundreds of consumer products, including sunscreen, cosmetics and sports equipment. The unusual light-absorbing properties of zinc or titanium nanoparticles make high-SPF nano sunscreens clear rather than white and studies have shown that they provide superior protection against UV radiation.

Part of EPA's role among federal agencies is to determine the potential hazards of nanotechnology and develop approaches to reduce or minimize any risks identified. As part of the strategy, EPA researchers are investigating widely-used nanomaterials, such as the carbon nanotubes used in vehicles, sports equipment and electronics, and titanium dioxide used in paints, cosmetics and sunscreens.

The research, being conducted in EPA's own laboratories and by grant recipients as part of a collaborative effort with other federal agencies and the international community, uses a multi-disciplinary approach that examines all aspects of nanomaterials in the environment, from their manufacture and use to their disposal or recycling.

EPA's new nanotech web site offers details about the research: <www.epa.gov/nanoscience>

PRESIDENT EXTENDS PCAST

On Sept. 29, President Barack Obama signed Executive Order (E.O.) 13511, which extended terms of several federal advisory committees including the President's Council of Advisors on Science and Technology (PCAST), E.O. 13226, as amended (Office of S&T Policy), until Sept. 30 2011.

Other committees whose terms are extended include the following: Committee for the Preservation of the White House, E.O. 11145, as amended (Interior Dept.); National Infrastructure Advisory Council; E.O. 13231, as amended (Department of Homeland Security); Federal Advisory Council on Occupational Safety and Health, E.O. 12196, as amended (Labor Dept.), President's Board of Advisors on Historically Black Colleges and Universities, E.O. 13256 (Education Dept.), President's Board of Advisors on Tribal Colleges and Universities, E.O. 13270 (Education Dept.), President's Commission on White House Fellowships, E.O. 11183, as amended (Office of Personnel Management), President's Committee on the National Medal of Science, E.O. 11287, as amended (National Science Foundation), President's Export Council, E.O. 12131, as amended (Commerce Dept.), President's National Security Telecommunications Advisory Committee, E.O. 12382, as amended (Department of Homeland Security), and the Trade and Environment Policy Advisory Committee, E.O. 12905 (Office of the US Trade Representative).

E.O. 13511 took effect Sept. 30 2009.

US-RUSSIAN NUCLEAR TALKS

Deputy Energy Secretary Daniel Poneman and Russia's State Atomic Energy Corporation's (Rosatom) director general Sergei Kiriyenko held the first meetings of the joint US-Russian Nuclear Energy and Nuclear Security Working Group last week.

The Sept. 28–29 meetings opened with a session hosted by Energy Secretary Steven Chu, who met with director general Kiriyenko and deputy secretary Poneman to discuss a number of issues, including the two countries' mutual work securing vulnerable nuclear materials, efforts to increase cooperation on civil nuclear technologies, and cooperation on other nuclear security issues.

''The US and Russia have a long and successful track record of cooperation in the area of nuclear security,'' said Poneman. ''These meetings and our visits to Oak Ridge National Laboratory and the Y–12 National Security Complex demonstrate how seriously our countries take our shared responsibility to promote peaceful uses of nuclear energy while combating nuclear dangers. I look forward to continuing this record by expanding our cooperation in fulfillment of our presidents' joint statement.''

The meetings, which ended with a plenary session co-chaired by Poneman and Kiriyenko, were the first since the working group was established under the US-Russia Bilateral Presidential Commission during the July 2009 Presidential Summit. The Nuclear Energy and Nuclear Security Working Group is co-chaired by Poneman and Kiriyenko. In addition to talks in Washington DC, the meetings included a visit by director general Kiriyenko and Poneman to the National Nuclear Security Administration's Y–12 National Security Complex and Oak Ridge National Laboratory (ORNL) in Oak Ridge, Tenn.

''This visit is devoted to an in-depth discussion of the issues of nuclear energy and nuclear security as stipulated by the mandate from the presidents of the Russian Federation and the US,'' said Kiriyenko. ''We're looking forward to the expansion of our bilateral cooperation on these issues.''

After their meeting with Secretary Chu, Poneman and Kiriyenko flew to Tennessee to visit ORNL and Y–12, where they watched a joint nuclear security training exercise. At Y–12, Poneman and Kiriyenko discussed nuclear materials management issues and toured the recently completed Highly Enriched Uranium Materials Facility. During their ORNL visit, Kiriyenko and Poneman received a briefing at the Radiochemical Engineering Development Center and the Spallation Neutron Source.

As a result of the meeting, a joint action plan was formulated by the working group and will be forwarded to President Obama and President Medvedev through Secretary of State Hillary Clinton and Russian Foreign Minister Sergey Lavrov. Secretary Clinton and Foreign Minister Lavrov serve as the Bilateral Commission Coordinators.

DHS CYBER HIRES AUTHORITY

The Department of Homeland Security (DHS) has received new authority to recruit and hire cybersecurity professionals over the next three years to help the agency meet its broad mission to protect the nation's cyber infrastructure, systems and networks.

''Effective cybersecurity requires all partners—individuals, communities, government entities and the private sector—to work together to protect our networks and strengthen our cyber resiliency,'' Homeland Security Secretary Janet Napolitano said Oct.1 at the launch of National Cybersecurity Awareness Month. ''This new hiring authority will enable [us] to recruit the best cyber analysts, developers and engineers in the world to serve their country by leading the nation's defenses against cyber threats.''

A collaboration between DHS, the Office of Personnel Management (OPM) and Office of Management and Budget (OMB), the new authority allows DHS to fill up to 1,000 critical cybersecurity staff positions over three years across all of its components. These roles include cyber risk & strategic analysis, cyber incident response, vulnerability detection & assessment, intelligence & investigation, and network & systems engineering. But DHS doesn't anticipate needing to fill all the posts.

The announcement was made by Secretary Napolitano at a National Cybersecurity Awareness Month ceremony with Deputy Defense Secretary William Lynn III and White House national security staff acting senior director for cybersecurity Chris Painter.

For National Cybersecurity Awareness Month details, visit: <www.staysafeonline.org>

SBA AWARDS PRIME GRANTS

The Small Business Administration (SBA) announced Oct. 2 that 58 non-profit organizations from 32 states and the District of Columbia are to receive grant funding under the Program for Investment in Microentrepreneurs Act (PRIME) to assist low-income and very low-income entrepreneurs with training and technical assistance to start, operate, and grow their businesses.

''SBA remains committed to helping small businesses start, grow and succeed, and PRIME is one of our many tools for doing this,'' SBA administrator Karen Mills said last week. ''Thanks to larger funding this year, we were able to provide grant dollars to more recipients across more states. These grant recipients are on the front line of helping entrepreneurs in particularly underserved communities with critical tools to help them maximize the potential of their businesses, create jobs and help strengthen the local economy.''

The competition for PRIME grants was open to applicants in all 50 states and the US territories, and SBA received over 400 applications. SBA last year funded 35 grants in 12 states on a non-competitive basis.

SBA's PRIME grant funding is intended to establish management and technical assistance, access to capital and other forms of financial assistance, and business training and counseling through qualified organizations to small businesses with five or fewer employees who are economically disadvantaged, and businesses owned by low-income individuals, including those on Indian reservations and tribal lands.

The grant funding received will be used to provide training and technical assistance to disadvantaged microentrepreneurs, supply capacity building services to organizations that assist with microenterprise training and services, and aid in researching and developing best practices in the field of microenterprise development and technical assistance programs for disadvantaged micro-entrepreneurs.

This year's total program funding amounts to $5 million with grants ranging in size up to $250,000 with a 50% match required of the recipient. PRIME grants are open to microentrepreneur training and technical assistance providers in all 50 states and US territories. They have a one-year performance period, with four 12-month options.

2009 PRIME grant recipients are at: <www.sba.gov/services/financialassistance/sbapartners/prime/index.html>

US-ITALY NUCLEAR R&D PACT

Two important nuclear energy agreements that could lead to construction of new nuclear power plants and improved cooperation on advanced nuclear energy systems and fuel cycle technologies in both countries were signed by Energy Secretary Steven Chu and Italian Minister for Economic Development Claudio Scajola on Sept. 30.

The US-Italy Joint Declaration Concerning Industrial and Commercial Cooperation in the Nuclear Energy Sector, which was signed on behalf of the US by Energy Secretary Chu and Commerce Deputy Secretary Dennis Hightower, affirms the strong interest of the US and Italy to encourage their respective nuclear industries to seek opportunities for construction of new nuclear power plants.

''The agreements reached today reflect our vision for strong partnerships with nations around the world to help address our shared climate and energy challenges,'' said Secretary Chu. ''Nuclear power will play a key role in the production of low-carbon energy in the years and decades to come, and we look forward to working with Italy and the US private sector to advance these important technologies.''

''Clean and efficient energy technologies, including nuclear power, will be a cornerstone of a vibrant and prosperous 21st century economy,'' added deputy secretary Hightower. ''American companies can offer Italy world-class nuclear energy solutions while strengthening our own domestic industry.''

A bilateral Agreement on Cooperation in Civilian Nuclear Energy Research and Development was also signed by Energy Secretary Chu and Minister Scajola, which will facilitate cooperation between DOE and Italy's Ministry for Economic Development in advanced nuclear energy systems and associated fuel cycle technologies. Both nations will collaborate in r&d of advanced technologies to improve the cost, safety, and proliferation-resistance of nuclear power.

The agreement will also expand efforts to promote and maintain nuclear science and engineering infrastructure and expertise in each country.

Italy will be a key partner in building international consensus and momentum on shared nuclear energy and nonproliferation agenda, and US energy officials look forward to working with their Italian counterparts at the Nuclear Security Summit in April 2010.

ARS FOOD WASTE PROJECT

Food scraps are collected every weekday from the Maryland Food Distribution Authority in Jessup, Md., and from small local food service and marketing establishments and trucked to the Agricultural Research Service (ARS) Henry Wallace Beltsville Agricultural Research Center (BARC) in Beltsville, Md.

Items not containing metal, glass, or plastic are then are mixed with woodchips, leaves and other organic residuals, and several months later some of the finished compost is delivered to the National Mall in Washington DC to be used in gardens at the Department of Agriculture's (USDA) Jamie Whitten Federal Building.

This unusual operation is part of research by ARS microbiologist Patricia Millner with the BARC Environmental Microbial and Food Safety Lab on ways to reduce the release of methane from landfills by diverting food residuals and other organic materials to composting. She conducts this research with microbiologist Walter Mulbry of BARC's Environmental Management and Byproduct Utilization Lab.

This year they are also supplying compost to the inaugural People's Garden, part of a new program for creating a community garden at each USDA facility, as well as for landscaping at the US Botanic Garden and the Capitol.

Millner also makes compost available for other federal 'green' projects, including roof gardens, rain gardens and other landscaping designs, to retain water and reduce runoff at federal sites in the Washington DC metropolitan area.

As part of her efforts to help the federal government model ways to compost food scraps, Millner has a cooperative r&d agreement (CRADA) with RCM LLC of Maryland to capture ammonia in the final compost to boost its nitrogen content for fertilizer use. She is now comparing several types of insulated composting containers for greenhouse gas emission reduction and other cost-benefit characteristics.

About half of the carbon and nitrogen in composting materials is lost to the air, rather than being captured in the compost.

NIH 115 HIGH-RISK AWARDS

A total of 115 awards for $348–million to encourage investigators to explore bold ideas with potential to catapult fields forward and accelerate the translation of research into improved health were announced by the National Institutes of Health (NIH).

''The appeal of the Pioneer, New Innovator, and now the T–R01 programs, is that investigators are encouraged to challenge the status quo with innovative ideas, while being given the necessary resources to test them,'' NIH director Dr Francis Collins said Sept. 24. ''The fact that we continue to receive such strong proposals for funding through the programs reflects the wealth of creative ideas in science today.''

The NIH High-Risk Research awards are granted under three research programs supported by its Common Fund Roadmap for Medical Research: the NIH director's Transformative RO1 (T–R01) awards, Pioneer awards, and New Innovator awards.

Enacted by Congress through the 2006 NIH Reform Act, the Common Fund supports cross-cutting, trans-NIH programs with a special emphasis on innovation and risk taking. Part of the New Innovator Awards ($23-million) is supported by American Recovery and Reinvestment Act funding.

NIH this year is granting 42 T–R01 awards, 18 Pioneer awards, and 55 New Innovator awards for early-stage investigators, and expects to make competing awards of $30-million to T–R01 awardees, $13.5-million to Pioneer awardees, and about $131-million to New Innovators in FY09. Total funding provided to this effort over a five-year period is estimated at $348-million.

More details on the T–R01 award are at: <http://nihroadmap.nih.gov/T-R01>

Details of the Pioneer award are at: <http://nihroadmap.nih.gov/pioneer>

Information on the New Innovator award is at: <http://nihroadmap.nih.gov/newinnovator>

NHGRI, NIMH GRANTS

Grants expected to total $45-million were announced last week by the National Human Genome Research Institute (NHGRI) and National Institute of Mental Health (NIMH) to establish new Centers of Excellence in Genomic Science in Wisconsin and North Carolina, as well as to continue support of existing centers in Maryland and California.

''Our aim is to foster the formation of innovative research teams that will develop genomic tools and technologies that help to advance human health,'' NHGRI acting director Dr Alan Guttmacher said Sept. 28. ''Each of these centers is in a position to tackle some of the most challenging questions facing biology today.''

''NIMH is pleased to partner with NHGRI and to be able to support this innovative study with funding through the American Recovery and Reinvestment Act,'' said NIMH director Dr Thomas Insel. ''These sophisticated genetic models will provide new opportunities to accelerate the pace of scientific discovery and to make progress toward understanding how genes shape behavior.''

NHGRI and NIMH are both part of the National Institutes of Health (NIH). Launched in 2001 by NHGRI, the Centers of Excellence in Genomic Science program assembles interdisciplinary teams dedicated to making critical advances in genomic research.

The new center, to be co-led by Medical College of Wisconsin and Univ. of Wisconsin-Madison will receive about $8-million over three years. The new center at Univ. of North Carolina, Chapel Hill will receive about $8.6-million over five years. The existing center at Univ. of Southern California, Los Angeles will receive about $12-million over five years and the existing center at Johns Hopkins Univ. in Baltimore will get about $16.8-million over five years.

Funding to all four centers will be provided by NHGRI. The first two years of the Univ. of North Carolina center will be funded by NIMH, which will contribute about $6-million through the American Recovery and Reinvestment Act (ARRA). In addition, NIMH will provide about $1.7-million, in non-ARRA funds, of the total funding awarded to the Johns Hopkins center.

More information about the program is at: <www.genome.gov/14514219>

NSF PLANS CPATH SURVEY

The National Science Foundation (NSF) plans a one-year data collection for its Revitalizing Computing Pathways (CPATH) in Undergraduate Education Program Evaluation.

Established by NSF's Computer & Information Science & Engineering (CISE) directorate, CPATH is aimed toward preparing a US workforce with computing competencies and skills imperative to the nation's health, security, and prosperity in the 21st century. This workforce includes a cadre of computing professionals prepared to contribute to sustained US leadership in computing in a wide range of application domains and career fields, and a broader professional workforce with knowledge and understanding of critical computing concepts, methodologies, and techniques.

To achieve this vision, CPATH calls for colleges and universities to work together and with other stakeholders (industry, professional societies, and others) to formulate and implement plans to revitalize undergraduate computing education in the US. Full engagement of faculty and other individuals in CISE disciplines will be critical to success.

Successful CPATH projects will be systemic in nature, address a broad range of issues, and have significant potential to contribute to the transformation and revitalization of undergraduate computing education on a national-scale. Qualitative data collection of this program evaluation will document CPATH program strategies used in infusing computational thinking across different contexts and disciplines, examine development of communities of practitioners and dissemination of best practices around computational thinking, and analyze preliminary evidence for how the CPATH program is preparing students for career options in the STEM workforce.

Five major questions will guide this program evaluation: How is CPATH infusing computational thinking in a range of disciplines serving undergraduate education? What evidence is there that university and

community college departments and faculty are integrating computational thinking into their courses? How are undergraduate students benefitting from their participation in CPATH projects? What evidence is there that CPATH is developing communities of practitioners that share best practices regularly across different contexts and disciplinary boundaries? How is CPATH promoting sustainable multi-sector partnerships that represent a broad range of stakeholders (e.g., industry, higher education, K12) and contribute to workforce development supporting continued US leadership in innovation?

NSF will seek answers to these questions through use of mixed evaluation methods including document analyses, site visit interviews, and telephone interviews with selected CPATH grant participants including principal investigators, staff, faculty, administrators, students, and external partners. Participation in program evaluations is mandatory for all CPATH awardees.

After considering public continent, NSF will request that OMB approve clearance of this one-time collection [OMB No. 3145–NEW] for no longer than one year.

NSF estimates about 200 respondents (individuals) will take part in the survey and take an average of 1½-hours per response.

For more details, contact Suzanne Plimpton at (703) 292–7556; splimpto@nsf.gov.

CDC AWARDS CENTER GRANTS

Award of $4.37-million in competitive grants to enhance health care information management and improve detection and response to emerging public health threats was announced Sept. 25 by the Centers for Disease Control and Prevention (CDC).

The CDC grants will fund four new Centers of Excellence in Public Health Informatics at Harvard Pilgrim Health Care, Indiana Univ., Univ. of Pittsburgh, and Univ. of Utah.

''These centers will advance the study and practice of public health informatics through collaborative efforts among academic public health experts, local and state public health departments, developing regional health information organizations, and other health and informatics professionals,'' said CDC's National Center for Public Health Informatics acting director Dr Stephen Thacker.

The overall purpose of the center of excellence initiative is to find strategies and tools that increase the ability of health departments, physicians and other health care providers to promote health and prevent diseases, injuries or disabilities. A common emphasis will be translation of results into measurable public health impacts.

Each center of excellence will conduct two new projects that support national priorities in informatics; and support real-time biosurveillance for potential health threats through immediate access to data from hospitals and health care systems in major metropolitan areas across the US.

The principal investigators, projects, and overall goals of the centers are:

—Harvard Pilgrim Health Care, Boston, Mass. (Dr Richard Platt & Dr Kenneth Mandl): Personally-controlled health records and social networks; and electronic support for public health: Diabetes Mellitus;

—Indiana Univ., Indianapolis (Dr Shaun Grannis): Bringing public health to the point of care: Overcoming digital barriers; and enhancing basic infrastructure capabilities that support public health practice;

—Univ. of Pittsburgh (Dr Michael Wagner): Automatic case detection using clinical data; and Bayesian outbreak detection and characterization;

—Univ. of Utah, Salt Lake City (Dr Matthew Samore): Visual analytics & decision support for core public health missions; and just-in-time delivery of dynamically maintained public health knowledge.

Five previously-funded centers have become national leaders in public health informatics. According to CDC officials, their academic productivity has been impressive, generating over 85 peer reviewed publications, 153 presentations at national meetings, and more than 100 posters and abstracts. They have also made contributions to strategic national activities.

STATE R&D ACTIVITY SURVEY

The US Census Bureau plans to continue to conduct the Survey of State Research and Development Expenditures in order to measure r&d supported and performed by state governments in the US.

This survey, a joint effort between Census Bureau and the National Science Foundation (NSF), is sponsored by NSF, which has a statutory charge to provide a central clearinghouse for the collection, interpretation, and analysis of data on s&e resources, and to provide a source of information for policy formulation by other federal agencies.

Under this legislative mandate, NSF has sponsored surveys of r&d since 1953, including the Survey of Industrial Research and Development and the Survey of State Research and Development Expenditures.

The survey form includes items on r&d expenditures by source of funding, by performer (internal and external to state agencies), and by character (basic, applied, or developmental), and the final results produced by NSF contain state and national estimates useful for a variety of data users interested in r&d and development performance. These include the National Science Board, the Office of Management & Budget, and the Office of S&T Policy, as well as other science policy makers, institutional researchers and private organizations.

All data are collected electronically via a web-based form, and the 500 or so state government agencies surveyed will be assisted during the collection period by central state coordinators.

An estimated 52 state coordinators and 500 state agencies are expected to respond to the voluntary survey, with the time per response being four hours for every state coordinator and 1½ hours for every state agency.

Comments on the proposed data collection [Form No. SRD–1] must be submitted by Nov. 20 to Diana Hynek at dHynek@doc.gov.

For more information, contact Pamela Medwid at pamela.d.dutterer@census.gov.

ARMY'S TOP 10 INVENTIONS

The US Army's Top Ten Greatest Inventions of 2008 were recognized during a Sept. 21 awards ceremony, attended by top Army s&t officials including Army Materiel Command (AMC) Commander Gen. Ann Dunwoody and Army Research, Development & Engineering Command (ARDEC) Commander Maj. Gen. Paul Izzo, in Arlington, Va.

The annual awards program, which gets nominations from across the Army's s&t community, aims to recognize the best technology solutions for soldiers. This year's awards recognized the following inventions fielded by the Army during 2008:

—1. XM153 Common Remotely Operated Weapon Station (CROWS) [Army Armament Research, Development & Engineering Center (AARDEC)]: Able to be mounted on a variety of vehicles, this system offers the ability to aim and fire remotely a suite of crew-served weapons from a stationary platform or while moving;

—2. Projectile Detection Cueing (PDCue)—CROWS Lightning [AARDEC]: This low-cost acoustic gunfire detection system is able to detect and locate the origin of incoming gunfire;

—3. Light machine gun & medium machine gun cradle [AARDEC]: This cradle provides a more stable and accurate firing platform and reliable, twist-free ammunition feeding regardless of weapon orientation;

—4. Overhead cover for objective gunner protection kit [AARDEC]: An integrated armor/ballistic glass system mounted onto the objective gunner protection kit of tactical and armored vehicles, it provides an enhanced 360 degree ballistic protection for gunners while retaining visibility for situational awareness;

—5. Enhanced mobile rapid aerostat initial deployment vehicle [Army Aviation and Missile Research, Development & Engineering Center]: This system combines multiple intelligence, surveillance, and reconnaissance capabilities onto a single, integrated platform;

—6. Whisper [Army Communications—Electronics Research, Development & Engineering Center]: The system's passive detection capability can be used to detect enemy radio-controlled improvised explosive device (IED) threats;

—7. Combat gauze for treating hemorrhage in injured soldiers [Army Institute of Surgical Research]: Hemorrhages account for 50% of deaths among combat casualties and many of these deaths are potentially preventable with prompt and effective treatment. This large-sized flexible roll of nonwoven medical gauze, impregnated with kaolin, a clotting agent, can be used to treat severe external bleeding, especially where a tourniquet can't be applied. It has also been proposed to treat deep bleeding at the end of a long wound tract;

—8. Mine-resistant ambush-protected armor weight reduction spiral program [Army Research Lab]: This program enabled Army to meet MRAP program protection requirements for a high priority, anti-armor, IED threat, and its goal was to introduce lightweight composites, new materials, and enhanced ballistic mechanisms to reduce the added weight of final armor packages.

—9. Mine-resistant ambush-protected expedient armor program add-on-armor kit [Army Tank Automotive Research, Development & Engineering Center (TARDEC)]: Developed to safeguard soldiers against lethal threats of IEDs and explosively formed penetrators, the armor uses armor physics, as opposed to armor mass, to defeat the threat. It has led to a 50% cut in weight, while increasing the armor protection on all MRAP vehicles without sacrificing vehicle performance or payload;

—10. One system remote video terminal A-kit [TARDEC]: An innovative modular video and data system enabling soldiers to receive remotely near-real-time surveillance image and geospatial data direct from tactical unmanned aerial vehicles and manned platforms.

AMC is the Army's premier provider of materiel readiness in the form of technology, acquisition support, materiel development, logistics, power projection and sustainment . . .

Ms. MIKULSKI. The quote is as follows:

$8 million has been awarded to 17 projects by the NSF under a joint NSF/Department of Defense solicitation. The competition, Social and Behavioral Dimensions of National Security, Conflict and Cooperation, is focused on basic social and behavioral science of strategic importance to US national security policy.

So again, the competition is in the social science directorate. And the four topic areas the DOD thought it was important to contract out, through the

NSF, are in the following areas, according to this article:

Authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations and idealogies, and new dimensions in national security.

They awarded these 17 grants, and let me read what some of them are. One is experimental analysis of alternative models of conflict bargaining. Now, you might say: Ho-hum. But you know what, maybe some idea out of that will help us crack how we can bring peace to the Middle East. Another is mapping terrorist organizations. Well, that is a pretty good idea. Maybe some of that research will help us get out of Afghanistan. How about predicting the nature of conflict? Well, we kind of know what that is, but do we really? Because if we understand the nature of conflict, maybe we can learn to defang conflict.

Let's look at another issue which I am very concerned about because of my worry about the planet—avoiding water wars: environmental security. These may be new threats to the United States.

I could read every one of these, but what I want to say is that DOD has partnered with NSF—to quote from this article—''to reach the broadest range of academic, social and behavioral science, and this collaboration combines the insights of DOD with the peer review expertise of NSF in support of the agencies' desire to promote basic social and behavioral research in areas that will benefit the United States.''

''Federal Technology Watch'' said it best. To take out $9 million is really penny-wise and pound-foolish. I am going to oppose the amendment of the Senator on that issue. I will oppose the amendment of the Senator on taking money from much-needed Commerce Department renovations and putting it in IG because we do fund the President's request in IG.

I do, however, like the amendment of the Senator from Oklahoma on more transparency in government reports that are coming into the Commerce Department. I believe we could have passed that one by voice vote. I am sorry we have to go through the mechanics of a recorded vote. He is worried I would drop it in conference, but I could give him my word that we would maintain that amendment as best we could. But so be it, the Senator is entitled to that.

So, Mr. President, as we conclude our conversation this afternoon, I want to be very clear. We oppose two of the Coburn amendments. I accept one that you will see down at the desk where I stand.

I had hoped we could avoid a cloture vote. Senator SHELBY and I have worked hard on a bipartisan bill, and I once again acknowledge the Senator from Alabama, my Republican colleague. We have an excellent bill that funds not only the Commerce Department but the Justice Department, and now we are facing the threat of a filibuster by amendment after amendment. I had hoped we could have reached some kind of agreement on a limited number of amendments, but since we can't, it looks as if we are going to have to go to cloture.

I think we have had a good discussion, and I want to reiterate the three goals of the Commerce, Justice, Science Subcommittee. No. 1, we want to promote the security of the American people. We want to do it over there and we want to do it here. That is why we fund the Justice Department. We also want to promote innovation, and we have vigorous funding for our science agencies and innovation from the government that will also be on the side of those innovators. No. 3, where we do agree with the Senator from Oklahoma is on increased oversight, accountability, stewardship, and transparency.

Mr. President, I know we are about 5 minutes from the vote, so I will now reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 2847, the Departments of Commerce, Justice and Science and Related Agencies Appropriations Act of Fiscal Year 2010.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Robert Menendez, Charles E. Schumer, Patty Murray, Tom Harkin, Patrick J. Leahy, Roland W. Burris, Mark Begich, Ben Nelson, Daniel K. Inouye, Debbie Stabenow, Bernard Sanders, Dianne Feinstein, John F. Kerry, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the committee-reported substitute to H.R. 2847, the Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. BYRD), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 38, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Bennet	Johnson	Pryor
Bingaman	Kaufman	Reed
Boxer	Kerry	Rockefeller
Brown	Kirk	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—38

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Reid
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Voinovich
Crapo	Lugar	

NOT VOTING—6

Begich	Byrd	Inouye
Burr	Hutchison	Wicker

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to reconsider the vote by which cloture was not invoked is considered entered.

Mr. REID. Mr. President, in years past, appropriations bills were finished in a reasonably short period of time. There was cooperation between both sides. That, of course, has ended. We are now in an era where the President of the United States goes to a foreign country trying to bring the Olympics to the United States. And when the Olympics do not go to Chicago, our Republican colleagues cheer. If you can imagine that, that is what happened.

When the President is awarded the Nobel Peace Prize, only the third time in the history of the country that a sitting President is awarded the Nobel Peace Prize, we get the same dissatisfaction of this tremendous honor given to our country from our Republican colleagues.

As was written in the New York Times 1 week ago: The Republicans are legislating out of spite. Anything that slows things down, confuses, diverts from the business at hand, they are

happy to do that. There were 100 filibusters last year. And the American people should understand filibusters are more than just a word. It takes days and weeks of the Senate's time to work through that process.

We are going to get this bill passed, and we will complete the work on this appropriations bill—not because the Republicans deserve it, with their many earmarks in the bill. We are going to go ahead and do it anyway. We are going to do it because it is the right thing for the country.

There are many amendments that are germane. There are a number of amendments that were not germane postcloture. They would be considered. I told everyone that.

This is a game Republican Senators are playing. I think it is a very unfair game for the American people. I do hope the American people are watching, and they are. All you have to do is look at the LA Times. In Los Angeles this weekend, there was a front-page story indicating that the Republican Party, as a result of what is going on in the Senate, is at the lowest point in the history of the country for a political party. Why wouldn't they be?

We do have one brave soul who voted to get the bill out of the Finance Committee, and I appreciate her work. No cooperation on one of the most important issues facing the country in generations, health care reform. Do they have a plan? Of course not. It is the party of no, as indicated in this vote tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Republican leader.

Mr. MCCONNELL. Madam President, on the vote just cast, as my friend well knows, we had worked on an amendment list not only last week but earlier today. We were down to what I thought was a manageable list. There is no one on this side of whom I am aware trying to prevent the Commerce-Justice-State bill from passing. So far this year we have had a very good amendment process. Members have been able to offer their amendments and get votes. I thought until about 5:15 this afternoon we were going to be able to get an amendment list. It broke down somehow in the discussions. So I wouldn't make more out of this than it is. We were very close to being able to finish this bill.

I suggest we continue to work on the amendment list, which was quite reasonable, and wrap up the bill in the very near future.

Mr. REID. Madam President, I appreciate the suggestion of my Republican counterpart. But we are going to get cloture on this bill, and we will handle the germane amendments. We have legislated on this bill for 5 days. That should be enough. The list they think is reasonable, someone should take a look at it and see how unreasonable it is. We will go ahead. We will do the regular order. We will get cloture on this bill, and we will handle the germane amendments—maybe. We don't have to handle the germane amendments. We don't have to deal with those. We might do that; we might not do it.

I think what has happened in the Senate is outrageous. I want to make sure the record is clear. I appreciate very much JOHN MCCAIN saying nice things about President Obama getting the Nobel Peace Prize. Another person who says he is running for President also said nice things about President Obama getting that. That was Governor Pawlenty. Obviously, Governor Pawlenty knows the American people think it is wrong for someone who receives this high honor, for people not to pat him on the back.

What has gone on in the Senate is as indicated in the New York Times last month: they are legislating out of spite. We are going to continue to work for the betterment of this country and move forward on the agenda this country needs to work on. We have had a successful year legislating. It has been extremely difficult. We have had a lot of hurdles to go over.

I appreciate the legislation we have passed. We only recently got 60 votes. We have had 58, so we have always needed a couple Republicans. And we have been able to get those but just barely. I appreciate the scowls from the other side as they vote with us.

We have a lot of important things to do. We are going to continue working on them. Health care has taken a lot longer than we had anticipated, but we will take that over the finish line. It will be hard, but we are going to do that. I hope we can do it with some support from the Republicans. It appears at this stage that we are not going to get any, other than maybe a couple of courageous souls. Maybe we will get three if we are lucky.

We have to do something about energy, an important issue. We are going to deal with that. We have to do something about regulation reform.

It would be a lot better for the American people if Republican Senators worked with us. Take, for example, the health care bill from the HELP Committee. You would think, after having accepted scores and scores of Republican amendments, that some Republican would say a nice thing about that HELP bill. Not a word. Every single member of the Republican Party who is a member of the HELP Committee voted against the bill.

It is pretty clear what is happening around here. As I indicated—for the third time—Republicans are legislating out of spite, and that is not good for this country.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. With all due respect to my good friend, the majority leader, I don't know what the vote we just had had to do with the President winning a Nobel Peace Prize. I congratulate him for that. I think all Members are proud that he was able to achieve that. I don't know what it had to do with health care. What it had to do with is the Commerce-Justice-State appropriations bill.

We had agreed to all of the amendments on a list but one. We said to the majority that we would eliminate the one. So I don't know why they can't take yes for an answer. We basically had an agreement on our amendment list but for one amendment which they objected to, and we said we would take it off the list. It strikes me rather than having a spirited debate about health care and other matters, we ought to agree to the amendment list and finish the bill.

Mr. REID. Madam President, Thursday we waited virtually all day—all day—for them to come up with a list. It was never quite right. Never quite right. I was here late Thursday night, very late Thursday night. Everyone else had gone home. But the Republicans refused to OK a list. So I had no alternative but to file a motion to invoke cloture. The agreement is in their minds only. We have been very generous in allowing amendments that have nothing to do with bills this whole year. We were still willing to do that with this piece of legislation. This is part of a stall that we have had all year long, the stall all day Thursday. We had problems on Wednesday trying to come up with a list, and Thursday. Just never quite right.

Suddenly, today, we have a list. We are willing to drop an amendment. I don't know what amendment they are talking about dropping.

I have made my statement very clear. We have a pattern in the Senate by the Republicans that is abusive to the system. It is preventing the American people from getting work done. An example is this very important bill dealing with law enforcement—Commerce-Justice-State—FBI agents. Senator MIKULSKI has worked very hard. She is proud of this legislation. We are going to go ahead and get it done without the Republicans. We are going to go ahead and do it. Their earmarks are included. We are not going to take away any of their earmarks because we believe in fairness.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

ORDER OF PROCEDURE

Mr. BROWN. I ask unanimous consent to be recognized for up to 20 minutes, followed by Senator HATCH for up to 20 minutes, and Senator GRASSLEY for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, yesterday was a fateful day as we moved forward on health care legislation. Yesterday America's Health Insurance Plans, the insurance companies, unveiled a report criticizing the Senate Finance Committee's health reform legislation. This is the committee that negotiated with Republicans for 6 months; the committee that worked with the insurance industry for 6 months; a committee that has, frankly, not included a public option; a committee that has, frankly, bent over backwards to listen to insurance company interests.

America's Health Insurance Plans unveiled a report saying that as a result of this health care bill, health insurance premiums are going to increase by double-digit percentages as far as the eye can see.

Families USA pointed out that ''this criticism by the insurance lobby gives hypocrisy a bad name.''

AHIP, America's Health Insurance Plans, talked about rate shock; that if we move forward on this health insurance bill, Americans are going to be victimized by rate shock. Rate shock is a significant increase in premiums that insurance companies have inflicted upon Americans over the past decade, year after year after year.

I just got off the phone with a small business person in Cincinnati who has fought as hard as he possibly can. He came to my townhall meeting in Cincinnati, the most conservative part of the State, saying he needed to go in with other businesses in an insurance exchange, perhaps with a public option so he could get his rates in check. The insurance companies just raised his rates so dramatically that he is likely going to lose his insurance.

Rate shock is when between 2000 and 2009 average family insurance premiums for employer-based health coverage increase from $6,700 to over $13,073, an increase of 93 percent. Rate shock is when between 1999 and 2009, premiums for employer-sponsored insurance in my State—from Findlay to Gallipolis, from Galion to Youngstown—grew 108 percent. Rate shock is when 20 percent of middle-income Ohio families spend more than 10 percent of their income on health care. Rate shock is when between 2000 and 2008, the percentage of employees with an annual deductible greater than $1,000 increased from 1 percent to 18 percent. One out of five Ohioans is paying a more than $1,000 deductible. Rate shock is when since 2000, insurance costs for small businesses have increased 129 percent.

Who is going to provide the jobs in this economy to get us back on our feet as a nation? It is small businesses. Yet the insurance companies have more than doubled insurance premiums for small business, a 129-percent increase in less than a decade. Rate shock is when small business workers pay an average of 18 percent more in premiums than those in large firms for the same benefits.

When America's Health Insurance Plans, the insurance industry, talks about rate shock, rate shock is what they have inflicted on the American public, what they have inflicted on large corporations, what they have inflicted on small business people, what they have inflicted on individual American workers, on individuals holding insurance plans.

Here is what rate shock, inflicting these huge premiums, has done. We know what it has done to the American public. We know what it has done to small business. We know what it has done to workers. We know what it has done to taxpayers. We know what it has done to local and State governments wrestling with insurance costs while providing other education, health care, public safety, public service services.

Here is what it has meant to insurance companies. Between 2000 and 2007, rate shock, inflicting high costs on ratepayers, has meant profits at 10 of the country's largest publicly traded health insurance companies going up 428 percent. They are doing just fine, thanks to the rate shock they are imposing upon American business and American individuals.

From 2007, CEOs of these companies collected a combined total compensation—10 companies, 1 year—of $118.6 million, $11.9 million each, 468 times more than the $25,000 an average American worker made that year. The CEOs of the insurance companies made $11.9 million each while they are saying to people: Sorry, you can't get insurance. You have a preexisting condition. Sorry, we are going to rescind your policies because you got too sick and you spent too much. Sorry, we will not cover you. We will cancel your policy because you are the wrong age or the wrong gender or live in the wrong place or you have the wrong disability.

The first half of this year, to top it all off, here is what rate shock meant to the insurance industry. AHIP spent $3.9 million on in-house lobbying efforts and another $500,000 on outside lobbying firms and consultants.

It is just a question of fairness. The question of fairness says to all of us, this is not right. People are paying more and more for their insurance. People are losing their insurance because they cannot afford it. People are getting cut off their insurance because of preexisting conditions. People are being discriminated against because of disability or gender or age or location. That—coupled with the salaries, the CEO compensation—all of that is not fair.

But what does that mean individually? Why, other than questions of fairness—which really matter. Another is productivity in our economy. As these health care costs are so burdensome to employers, they simply cannot hire people. I spoke today to a group. I had a roundtable, one of about 140 I have done around Ohio, in my hometown of Mansfield, OH, with about 15 manufacturers, people who are struggling with all kinds of things.

They cannot get credit. They are victimized by the Chinese currency problems that American industry faces and our government will not do enough about. They are badly hurt by health insurance costs. So we know about the question of fairness. It is not fair what has happened to our workers, to our small manufacturers, to our companies, to our taxpayers, while CEOs are doing so well.

But let me talk about what this really means. I am going to read four or five letters from people in Ohio about why this matters, why this insurance crisis matters. I know the Presiding Officer gets letters—whether they come from Hanover or whereever they come from in her State—she gets letters such as this too. Most of the letters I get are from people who thought they had pretty good insurance, and then they get sick and their insurance is canceled or then they find out that one of their children has a preexisting condition or a spouse has a preexisting condition and they cannot renew their insurance or it gets so costly they cannot renew it. That is what comes through in so many of these letters.

Let met share a few of them. This is a letter from Robert from Lake County. It is a county just east of Cleveland on Lake Erie in northeast Ohio:

> In 1986 my wife was terminally ill with cancer and several other illnesses. When I switched jobs and looked for new insurance, we were denied because of her pre-existing condition.
>
> In 2001, when I was 58, I lost my job. When COBRA ran out, I was denied insurance based on my pre-existing conditions of diabetes and heart disease.
>
> I managed to limp through until I turned 65 and became eligible for Medicare.
>
> I'm sure the fear and anxiety I suffered over health insurance hasn't been at all beneficial to my overall health.

I have heard person after person—in talking to people one-on-one or looking at the letters they write or reading something they have written on the Internet—tell me they are not quite 65, they might be 55, they might be 62, and they just hope they can hold on until they are 65 so they can get a decent government-sponsored health plan, Medicare. That tells me why the public is demanding the public option. The public understands a public option—which is just an option—will make the insurance companies more honest.

A public option will not cancel people for having a preexisting condition anymore than Medicare does. A public option will give people choice. It will discipline the insurance companies and keep costs in check.

We know, when you look at this report I just talked about—this AHIP report that talked about rate shock—that is as good an argument for a public option as any I have ever heard of because the insurance companies say: We are going to raise rates even higher

than we have already raised them, an even higher percentage than we have already raised them, an even faster climb than we have already done in the last decade. That is why we need a public option, to discipline the insurance companies, to compete with them. They seem to be competing to raise rates, not competing to keep things in check, unlike the way competition used to work in this country. That is why a public option is so important.

Shelly from Coshocton, a community in sort of southeast, east central Ohio, writes:

I have no health insurance coverage for myself or my son. My husband is disabled and receives Social Security Disability and Medicare.

My son was born with a congenital heart defect [and] has already had one open heart surgery.

Along with my pre-existing condition, neither of us can afford private coverage.

Pre-existing conditions should be illegal for insurance companies to use to delay health care for Americans.

Shelly is right. When she says that, understand that, yes, we are going to change the law so we are going to ban the whole practice of ''preexisting condition.'' No more ''preexisting condition'' under this legislation, no more caps on cost, on coverage, and no more annual or lifetime caps, no more discrimination based on gender or disability or geography or age.

But even with that, we clearly need a public option to enforce those rules so the insurance companies cannot find a way to game the system, as they have over and over, year after year after year. That should be our commitment to Shelly from Coshocton.

Tina from Cuyahoga County—the Cleveland area—writes:

My husband and I have been married for 30 years.

We've lived in the same three bedroom home for the last 26 years, where we sent our two sons to college, without debt, while running our small business.

We have our own insurance, but have seen raised deductibles and scaled back coverage. I would guess we've spent some $150,000 on premiums over the healthy years of our lives.

Unfortunately, last fall I was diagnosed with non-Hodgkin's lymphoma. The deficiencies in our current policy were then made clear.

Again, a good health care policy until she really needed it, which is too much par for the course in this country.

Our plan covers only certain services. After 2 different and unsuccessful treatments, I have an $80,000 balance with the hospital.

I firmly believe most people have no idea of their exposure because they have been fortunate not to have had the need to use their insurance. I alternate between being furious and depressed.

At 53, what have I to look forward to other than single handedly having ruined my family's financial future.

Something has to be done. It is immoral that insurance companies should make a profit over people's health conditions.

I think that says it all: again, so many people have what they think is pretty good health insurance until something really bad happens. That is what health insurance should be all about. It really is not insurance if it does not work when you really need it. And Tina from the Cleveland area understands that. A public option will work to make sure she continues with her health coverage, that she cannot be denied coverage, that even when she gets really sick, she will be in a pool that will work for her.

I have two more letters, Madam President, and then I will yield the floor to the Senator from Utah.

This is a letter from Priscilla from Miami County—a county in southwest Ohio, just north of Dayton:

I am a 62-year-old widow with controlled cholesterol and high blood pressure.

I bring in $2,300 per month on fixed income but pay $1,900 per month for health insurance premiums.

So $2,300 a month she brings in, and she pays $1,900 a month for health insurance premiums. She is not quite Medicare eligible. She is 62 years old.

I keep my thermostat at 62 degrees in the winter and minimize the use of hot water, unless when needed.

I spend about $100 per month on groceries.

Since August 2007, I've spent more than $40,000 in premiums, co-pays, and out-of-pocket expenses.

My private insurer paid only $8,500 for my medical and prescription claims in that period.

Priscilla's health insurance simply does not work for her. It is a health insurance policy that too often does not respond when she needs it to respond. She likely—as so many people I know and who call my office—spends much of her time on the phone trying to get her insurance company to pay. You have to figure the stress on people, dealing with insurance companies and getting turned down time after time after time, probably compromises their health.

She has to wait another 3 years before she is Medicare eligible. This legislation will help her with that. This legislation will give her the chance to go into an insurance exchange. She can pick a private plan or she can pick the public option. Either way, she simply will not have these kinds of premiums. She will not have these kinds of out-of-pocket expenses. She will have some costs. She will get some help because she does not make very much money. That is what this country should do, I think, for people like Priscilla.

The last letter I will read is from Cheryl from my home county of Lorain—Elyria, Avon, North Ridgeville, Oberlin, Amherst, that area of the State just west of Cleveland on Lake Erie:

We are a working class family riding the fine line between blue and white collar income.

I work as a business executive assistant, aware of how big business can influence the outcome of this bill. My husband is a retired fire captain who was forced into retirement after being injured on the job.

We get insurance through my employer, but we've seen costs increased considerably in the last three years alone.

Our daughters, ages 28 and 26, both work but face difficult choices regarding their health care.

One daughter's employer plan is based on her overall health—she lives in fear that something like high blood pressure could possibly increase medical costs by hundreds of dollars a month.

My other daughter is a contract worker who has to pay for her own insurance. She makes about $45,000 a year and supports a family of three, but has out-of-pocket expenses anywhere from $2,500 to $5,000 before the deductible is even met.

These are examples of hard working people who will survive in the short term but in the long term will be paying medical insurance rather than a house payment.

Please continue the fight, you cannot let [us] down.

I know the Presiding Officer from New Hampshire gets these kinds of letters from people who are really the backbone of this country, people such as her daughter making $45,000 a year. She has had barely a middle-class standard of living. It is clear, with her job as a business executive assistant, she has all kinds of out-of-pocket costs.

If we are going to get this economy back in shape—and I got that again today talking with those manufacturers, small companies of 30 and 50 and 100 people, most of them—if we are going to get this economy back in shape, we cannot have health care costs weighing down our businesses and individuals who simply cannot get ahead, who are fighting every day to figure out: How do I pay for this? How do I balance paying for my medicine with making my house payment, with heating my home, with buying my food? How can we in this society continue to do that?

Then, to top it off, as I said, the insurance industry, yesterday, put out a report that talked about rate shock, that if this bill passes—the kind of threat they made to this institution, to the House and the Senate, to the American people—they are going to jump health care prices.

Well, that is, again, why the public option is so important. The public option will provide competition to these insurance companies, competition they are not used to getting from each other. It might mean that the chief executive officers of the 10 biggest companies will not average $11.9 million in salaries. It might mean their profits will not continue to escalate. It might mean they have to tighten their belts and compete with a public option so their prices are more in check with what the American people can afford.

The time is now. It is imperative that we in this institution send legislation to the President of the United States for him to sign—good, strong legislation that helps small businesses, that helps people keep the insurance they have, if they want to keep it, if they are satisfied with it, and has a public option included in it to compete with insurance companies and keep them honest and to keep costs in check. It is our duty. It is our imperative. It is what we must do in the next few weeks.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

ORDER OF PROCEDURE

Mr. HATCH. Madam President, I have agreed to delay my 20 minutes in favor of the distinguished Senator from Michigan having 3 or 4 minutes. I ask unanimous consent that I be given the floor after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. First, Madam President, I thank my friend from Utah for his graciousness. It is a pleasure to serve with him on the Finance Committee.

(The remarks of Ms. STABENOW pertaining to the introduction of S. 1776 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. STABENOW. Madam President, I appreciate very much my friend from Utah allowing me to step in for a moment. I will be happy to talk more about this at a later point, but it is important to get this introduced this evening so it can become a part of the debate.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—UNANIMOUS CONSENT REQUEST

Ms. STABENOW. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3548, which was received from the House; further, that a Reid substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I have to object on behalf of our side.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah is recognized.

HEALTH CARE REFORM

Mr. HATCH. Madam President, I have taken a lot of votes in my Senate service, as I have had the proud honor of representing my fellow Utahns and of course all Americans across this great Nation. I deliver these remarks with a heavy heart because what could have been a strong bipartisan vote reflecting our collective and genuine desire for responsible reform in the Senate Finance Committee has ended as another largely partisan exercise as we take another step forward toward the flawed solution of reforming one-sixth of our economy with more spending, more government, and more taxes.

Having said that, I wish to compliment the distinguished chairman of the committee, MAX BAUCUS, from Montana, for having worked so long and hard to try to get that bill through the committee. I disagree with the bill, but I also recognize that type of effort, and I have great regard for Senator BAUCUS and others on the committee as well. But I have worked through almost 4 weeks of debate in the Health, Education, Labor and Pensions Committee and now through 2 weeks of strenuous debate on the Senate Finance Committee. I was in the original Gang of 7 trying to come up with a bipartisan approach, but I realized that not enough flexibility had been given to Senator BAUCUS, and I decided to leave that group of seven, and I am glad I did, because I predicted when I left exactly what this bill would turn out to be.

It almost seems as though these hundreds of hours of debate in the past were for naught. It is important for Americans everywhere to understand that the bills we have spent hundreds of hours working on are not the bills that will be discussed on the Senate floor. The real bill that is currently being written behind closed doors in the dark corners of the Capitol and the White House—and we can all only hope that all of us, especially American families, will have ample opportunity, at least 72 hours, to review the full bill before we are asked to consider this on the floor and vote on it—is a bill that affects every American life and every American business. The health care reform bill is too big and too important to not have a full public review.

I wish to spend my time today talking about why the Baucus bill fails President Obama's own test for responsible health care reform. This bill is another example of Washington once again talking from both sides of the mouth and using technicalities and policy nuances to evade the promises made to our seniors and middle-class families. First, President Obama in his own words has consistently stated: ''If you like your current plan, you will be able to keep it.'' Let me repeat that: ''If you like your plan, you will be able to keep it.'' That was given on July 2, 2009, right at the White House, and we are all familiar with that particular commitment.

One of the amendments I offered in the Finance Committee simply provided that if more than 1 million Americans would lose the coverage of their choice because of the implementation of this bill, then this legislation would not go into effect. This was a simple and straightforward amendment; no nuance, no double-talk. This amendment was defeated along party lines.

It should come as no surprise to anyone on the Finance Committee that in a recent Rasmussen poll, a majority of Americans with health care coverage—almost 53 percent—said that the bill would force them to change their coverage. This bill is rife with policies that will do anything but allow you to keep your coverage. It cuts upward of $133 billion out of the Medicare Advantage Program, which will adversely impact the availability of these plans for millions of American seniors, especially in rural areas. That was what it was designed for. It is pushing for policies at the Federal level that actuaries acknowledge could increase premiums significantly for millions of Americans, not to mention the new insurance tax which will cost families another $500 in higher premiums. This will make current coverage unaffordable for countless Americans.

American families are very smart; they are very astute. They realize that there is no free lunch, especially in Washington. They are being promised an almost $1 trillion bill—that is really an understatement of what it is, and I will get into that later—that will not increase deficits, not raise taxes, and not cut benefits. Only Washington speak could try to sell a promise such as this with a straight face.

Second: The President has consistently pledged: ''We're not going to mess with Medicare.'' Once again, this is another simple and straightforward pledge that this bill has now evaded through Washington double speech or doubletalk. This bill strips, as I say, $133 billion out of the Medicare Advantage Program that currently covers 10.6 million seniors, or almost one out of four seniors in the Medicare Program. According to the Congressional Budget Office, under this bill, the value of so-called additional benefits such as vision care and dental care would decline from $135 to $42 by 2019. That is a reduction of more than 70 percent of benefits. You heard me right: 70 percent. I offered an amendment to protect these benefits for our seniors, many of whom are low-income Americans who reside in rural States. However, this amendment too was defeated in the Finance Committee. The majority chose to skirt the President's pledge about no reduction in Medicare benefits for our seniors by characterizing the benefits being lost—vision care, dental care, and reduced hospital deductibles—as extra benefits, not statutory benefits.

Let me make this point as clearly as I can. When we promise American seniors that we will not reduce their benefits, let us be honest about that promise. Benefits are benefits, so we are either going to protect benefits or not. It is that simple. Under this bill, if you are a senior with Medicare Advantage, the unfortunate answer is no, you are going to lose benefits.

Thirdly, the President has consistently stated: ''I can make a firm pledge. Under my plan, no family making less than $250,000 a year will see any form of tax increase.''

That was when the President was a candidate in New Hampshire on September 12, 2008, and he has said that since.

Let us examine the realities of this bill. As I said before, there is no such thing as a free lunch, especially when

Washington is the one inviting you over. According to the Joint Committee on Taxation, there is more than $400 billion in new taxes under this bill to continue to fund Washington's insatiable appetite for spending. Here are some of the highlights of the $400 billion: $23 billion of new taxes on employers through a mandate that will disproportionately affect low-income Americans and all at a time when our unemployment is rapidly approaching double digits. Some think we are already in double digits. There is $4 billion of new taxes on Americans who fail to buy a Washington-defined level of coverage; $322 billion of new taxes on everything from insurance premiums to prescription drugs to hearing devices and wheelchairs. Representatives from both the Congressional Budget Office, CBO, and the Joint Committee on Taxation, JCT, testified before the Finance Committee that these taxes will be passed on to the consumers.

So even though this bill tries to hide these costs as indirect taxes, average Americans who purchase health plans, use prescription drugs, and buy medical devices—everything from hearing aids to crutches—will end up footing the bill. By the way, it is interesting to note here that although these tax increases and Medicare cuts will start as early as next year, subsidies to help people with their premiums which will skyrocket under this plan will not be available until July of 2013—3½ years later.

By the way, they are going to cut $400 billion out of Medicare. I remember a few years back in 1975 when, for that budget that year, we were trying to find $23 billion out of Medicare and the other side just about went berserk over that. Here we are cutting $400 billion out of Medicare that already has $38 trillion in unfunded liabilities.

So what about the promise of no taxes on families making less than $250,000? Look at the evidence. According to the data from the Joint Committee on Taxation and former CBO director Doug Holtz-Eakin, 89 percent of these new taxes will be paid by taxpayers making less than $200,000 a year. The insurance excise tax alone would cost families up to $500 more in premiums. That is not all. The Joint Committee on Taxation also found that at least 71 percent of all penalties collected from the individual mandate will also come from those making less than $250,000. As I said, there is no free lunch in this town.

By the way, we all know when this bill is fully implemented it will cost significantly more. Every time Washington tells you that something will cost a dollar, it usually costs $10. History is prologue. Medicare started off as a $65 million a year program and now has a $400 billion annual budget. So look for these taxes to only go up in the future as we have just given the Federal Government a whole new checkbook.

So based on my count, this bill already has three strikes against President Obama's own pledges to the American people. He said: ''You keep what you have.'' That is not true. ''No reduction in Medicare benefits for our seniors.'' That is not true. ''No tax increases on families making less than $250,000.'' That is not true. In fact, most of those taxes will go to the middle class at way below $250,000.

Lastly, let me talk a little bit about the myth of this proposal actually reducing the deficit by $81 billion over 10 years. Here is the harsh reality. The Congressional Budget Office recently reported that our national deficit for fiscal year 2009 alone was a shocking $1.4 trillion. That is the highest deficit since 1945 in real terms.

Let me put this in perspective. This was the largest yearly deficit since 1945. It was more than three times our deficit from last year. I remember how they were complaining about George Bush and those high deficits. It is almost 10 percent of our entire economy. George Bush's deficit was less than $500 billion. I thought it was too high. We are now talking about $1.4 trillion in the first year of this presidency. Keep in mind the Democrats controlled the Congress in the last 2 years of the Bush presidency. This should send shivers down the spine of every American out there. We are literally drowning the future of this Nation in a sea of red ink.

Here is the fantasy: Congress will actually follow through with these massive Medicare cuts that are being used to make this $829 billion spending bill deficit neutral. I challenge a single Member of the Senate to tell me when have we ever followed through on such massive cuts. Let me use the words of Dr. Doug Elmendorf, the Director of the Congressional Budget Office, on this issue:

> These projections assume that these proposals are enacted and remain unchanged over the two decades which is often not the case for major legislation. The long-term budgetary impact will be quite different if those provisions were ultimately changed or not fully implemented.

I could not have said it better myself. We all remember the Deficit Reduction Act of 2005 which attempted to reduce Medicare spending by a mere $22 billion over 10 years. That proposal was mercilessly attacked by the other side of the aisle as being, among other things, ''Orwellian'' and ''immoral.'' Now suddenly we are being asked to believe the Congress will follow through in almost $500 billion in cuts to Medicare?

Take another example: the physician payment. This bill only contains a 1-year fix. After that, the doctors will face more than a 20-percent cut in their payments, seriously threatening access to Medicare for seniors. We all know that we have to fix this problem, and that we will. Unfortunately, the hundreds of billions of dollars needed to overhaul this broken system are not included in this score that is supposed to be balanced, and will go to further increasing our skyrocketing deficits.

Let's be honest about it. The reason they can keep it down to $829 billion was by not counting the first 4 years; not having it implemented until as late as 2014. In other words, that is 6 years. If you extrapolate it out to 10 years, we have $1.7 trillion, $1.8 trillion that this bill is going to cost.

One reason for that is because they know we are going to have to do the doctor fix rather than have doctors being paid 25 percent less by Medicare and even less by Medicaid, and hospitals 25 to 30 percent less by Medicare and even less by Medicaid.

The biggest bait and switch on the American people about this bill's impact on the deficit is a simple math trick. If something is too expensive to do for a full 10-year period, just do it for 6 years. That is what they have done. Most of the major spending provisions of the bill do not go into effect until 2013 or even 2014, coincidentally, after the 2012 Presidential elections. So what we are seeing is not a full 10-year score but rather a 6-year score.

According to the Senate Budget Committee, the full 10-year score of this plan will easily surpass $1.8 trillion, fully implemented over 10 years, the way it is written. I believe it will be more than that in actuality when we add the doctor fix that we are going to have to do.

That is on top of the $2.4 trillion we are spending right now.

In our current fiscal environment where the government will have to borrow nearly 43 cents out of every dollar it spends this year, let's think hard about what we are doing to our country and our future generations. Our national debt is on a path to double. We can see the red lines on the chart. That is the projected national debt since this administration has taken over. It is on a path to double in the next 5 years and triple in the next 10 years. There is still time for us to step back, press the reset button, and write a bill we can all support and be proud of.

Madam President, what is their answer in the end? I guarantee you, the final bill is going to have some form of—it may be disguised semantically—a government-run plan. That scares every American.

In 1965, when we did Medicare, the argument was that Medicare will be on an equal footing with the private industry. Well, it didn't take just a couple of years, and they found out they could not do it. So they had to set prices.

Today, Medicare pays doctors 20 percent less and hospitals 25 percent less, and Medicaid is even worse than that. If we think the Federal Government can take over the whole health care system and save money, we haven't observed the history of Medicare. Medicare today is a $38 trillion unfunded liability that we are saddling our kids and grandkids with—and even in my case, my great grandkids. I am concerned. This should not be a political issue.

We ought to be working together. I guarantee, if we turn all of this over to the government—I heard the distinguished Senator from Ohio, who is very sincere and very loquacious and has an interesting personality. I care for him. But if we do that, everybody is going to suffer because the Federal Government cannot do it better. It is just that simple. We have all the years since 1965 to prove that.

The fact is, if we turn this over to the almighty Federal Government and the bureaucrats in Washington, it will cause a furor like we cannot believe in this country, and rightly so. I heard the distinguished Senator say: Well, if the insurance premiums should increase because of this bill, let's turn it over to the government, and we will save all that money.

What about the $38 trillion in unfunded liability in Medicare as we stand here today? What about Medicaid going into bankruptcy within the next 10 years? There is nobody who doubts that who looks at the financial matters in this country. The reason they are is because they are run by the almighty Federal Government. I would much rather see a system whereby we allow the States themselves, which have different demographics—and the Chair is from New Hampshire, which is different from Massachusetts, and it is also different from my State of Utah. I will bet that the New Hampshirites can handle their problems a lot better than the Federal Government in Washington. I know Utah can. We have a good health care system because we do all the things that are necessary to make it good. It is closer to the people, and the government is closer to the people. They have to be responsible to the people.

I would like to see a system where we basically block grant these funds and let the States set up their own programs and have 50 State laboratories that literally can show us the way; where we can compare plans and see the good in one State and maybe adapt it to ours. If we turn this all over to a government plan, run by Washington, I cannot begin to tell you the stifling that will be to innovation and good ideas compared to allowing the 50 State laboratories, as federalism was designed to set up.

The majority leader said: The Republicans are just the party of no; they have no plan. We have 40 Members here and we have six plans. We find that even some of our plans are off the charts in cost. Some are good. The fact is, we know this system needs to be reformed. Every Republican is for reforming the system. We are not for bankrupting the country. We are not for having these almighty bureaucrats in Washington determine what we all have to do. We are not for turning everything over to the government, which is already running Medicare and Medicaid into bankruptcy. We don't believe a central form of government should control everything.

Our Founding Fathers didn't believe that. That is why they did the Constitution the way they did it. Anybody who believes they can do it better in a government-run program hasn't studied history. I have to admit some of our colleagues on the other side do believe a single-payer system is better. Single-payer is socialism, pure and simple. They don't like to call it socialism, but that is what it is. When we get socialism, we get everything that goes with it, and that means rationing.

We have to be reasonable about what services we can give. The States will do it the right way. The Federal Government will mess it up, I guarantee it. I don't know anybody who has been here as long as I have who could not acknowledge that. I don't think they should try to dispute that. I think they would be run out of Washington. If you want bureaucrats between your doctor and you, this is the way to do it—a government-run plan right here in Washington, with all the costs and expenses and the oblivious not caring about the future that we have seen year after year.

That is why Republicans are up in arms. That is why we cannot support this bill. I wish we could work with our colleagues and get together. I wish we could do a bipartisan bill. I might add that one person is not bipartisan. You can call it that, but it really isn't. I deeply respect that one person, and she knows that.

The fact is, we are a long way from having a health care bill. The further fact is, it will not be the bill that passed out of the committee today. It is going to even be worse.

If I were sitting on the Democratic side, I would be worried to death about what they are finally going to come up with. They really do, for the most part—the majority—believe a single-payer system, run by Washington, DC, and the bureaucrats here is going to be better than one run by the States. I have to admit there are some States that would mess it up, no question. We can all name them too. There are generally States that are behind the single-payer system, but there aren't many of them. The vast majority of States would show us the way and help us to find the way and help us to do a good job on health care.

Madam President, I am very concerned. I am one who likes to work in a bipartisan way, but it has to make sense. What we passed out of there today doesn't make sense, and it is going to get a lot worse. By the time they take the HELP Committee bill, which was a totally Democratic partisan bill, and take what they want out of that, and by the time they take the tricommittee bill over in the House, which is a partisan Democratic bill, it will get worse. When it does, the American people are going to be the losers.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 1777 are located in today's RECORD under ''Statements of Introduced Bills and Joint Resolutions.'')

Mr. UDALL of Colorado. Madam President, I yield the floor.

(Mr. UDALL of Colorado assumed the Chair.)

AGRICULTURE APPROPRIATIONS

Mr. REID. Mr. President, I am so pleased that last Thursday we passed another appropriations bill in regular order and with bipartisan support. I thank Chairman KOHL for his work to pass move this bill through the process. And I think Senator BROWNBACK, the ranking member, for his work on this bill as well.

This is a good bill—it is good for the Nation and it is good for my home State of Nevada. By adopting this conference report we are making investments in rural towns, in working families, and in the farm families that feed us.

This bill includes significant investments in rural development programs to help our rural towns improve their hospitals, drinking water and sewage systems. We also help rural communities attract businesses and jobs with investments in broadband access and business loan programs. These programs are especially important as we help families living in rural towns get through these tough economic times and make their communities stronger.

In this bill we also increase funding from last year's levels for nutrition programs like the Supplemental Nutrition Assistance Program, formerly known as food stamps, the Women Infants and Children program, the Commodity Food Supplemental Program, the Emergency Food Assistance Program and School Lunch and Breakfast. In addition, I am pleased that in this bill Nevada has been added to the list of States authorized to run afterschool supper programs that will provide a hot meal for kids who would otherwise go hungry. We have all seen the stories on the news and in the papers about the historic demand for Federal feeding programs and the strain being placed on our local food banks and food pantries. This bill will help families in Nevada and throughout the nation who are currently struggling to put food on the table.

We also make a significant investment in the Commodity Futures Trading Commission, CFTC, with $169 million, which is an increase of $23 million from last year. We are making this investment because we need the CFTC to be capable of conducting rigorous oversight of futures markets, especially in

crude oil and other commodities. The CFTC must be fully equipped and staffed so it can prevent the excessive speculation that drove oil prices to record highs last year and really hurt energy consumers. This funding is an important investment that will help us rebuild our economy on a stronger foundation.

In addition to these good programs, this bill also includes funding for a number of important Nevada projects. We have funding for the Nevada Arid Rangelands Initiative, Mormon cricket control, and noxious weed control. We have assistance for the Wildfire Support Group in Orovada to help them do fuels management. And we have funding for the University of Nevada Reno for their work with the Food and Agriculture Policy Research Institute, which does great research to help us understand what is going on in American agriculture so we can create good programs to help our farmers.

This bill makes a number of important investments. So I am very pleased that this bill has passed the Senate with broad support—76 Senators voting to send this conference report to the President.

50TH ANNIVERSARY OF ST. JOHN THE BAPTIST GREEK ORTHODOX CHURCH

Mr. REID. Mr. President, today I wish to commemorate and celebrate the 50th aniversary of the St. John the Baptist Greek Orthodox Church.

For more than a century, a proud and vibrant Greek community has thrived in Nevada. 50 years ago, the parish of St. John the Baptist Greek Orthodox Church was established in Las Vegas, NV, to serve this dynamic community.

For half of a century, the parishioners at St. John the Baptist have celebrated their Hellenic heritage through cultural and spiritual events, all while giving back to the Las Vegas community through service. As one example of the many ways parishioners have inspired southern Nevada, the Panagia chapter of the Ladies Philoptochos Society meets monthly to serve the parish and the community by working in a hands-on fashion to serve the liturgical, charitable, educational, youth, and crisis needs of the community.

Las Vegas is profoundly enriched by the St. John the Baptist Greek Church. Every year, the church holds a Greek Festival, where Nevadans of all backgrounds listen to Greek music, eat Greek food, and embrace the spirit of kefi—a passion for life that radiates from the parishioners at St. John the Baptist.

It is my honor to celebrate the ''Golden Heritage'' of this storied church on Friday, October 16, 2009. To my friends at St. John the Baptist Greek Orthodox Church: OPA! May you celebrate many more successful years.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. UDALL of New Mexico. Mr. President, with the passing of Senator Teddy Kennedy, Americans lost a champion, the Senate lost a living legend, and those of us who were fortunate to know him personally lost a friend and mentor.

My memories of Teddy Kennedy reach beyond our short time together in the Senate all the way back to my days as a kid when his brother Jack was running for President of the United States. My father was an early supporter of Jack's campaign and Teddy stayed at our house in Arizona while he was campaigning for his brother in the west. In those days, the west was not considered a plum campaign assignment so, naturally, as the youngest of his clan it fell to him. We had a full house at the time, with all of my brothers and sisters at home, so there wasn't even a bed for him to sleep on. So he slept on the floor and never uttered a word of complaint. My memories of him from that time reflect the same Teddy Kennedy everyone describes today. He was a kind man, dedicated to his brother and his family, and always patient with all of us kids and our questions.

In later years, Teddy continued to be a frequent visitor to New Mexico. When our family was in the midst of a campaign and needed that extra bit of star power, Teddy was there the one person who could ignite a crowd like no other. As Democrats, we loved having him in our State because he could always get a turnout. He had rallies with 10,000–12,000 people—huge crowds for New Mexico.

Teddy Kennedy loved New Mexico and New Mexicans. And New Mexicans loved Teddy right back. In most family living rooms, you can find two prominently displayed photographs. They include at least one of the Kennedys be it Jack, Bobby, or Teddy and at least one of the Pope. New Mexicans just have a very deep affection for the entire Kennedy family.

My father eventually served in Jack Kennedy's Cabinet as Interior Secretary. These days, he talks a lot about his time in JFK's administration. He says he is now the last of the generation. The last leaf on the tree from the Kennedy Cabinet. My father was greatly saddened by Senator Kennedy's passing.

Just about every piece of monumental legislation that has come out of this Senate over the past 50 years has had Teddy Kennedy's stamp on it somehow. Whether it was voting rights or education improvements or health care reform—the cause of Teddy's life—America owes a debt of gratitude to the senior senator from Massachusetts for his leadership and unwavering dedication to making our country a better place for all who call it home.

But the last chapter in Teddy's legacy remains incomplete. That chapter is health care reform, and it is our job as Teddy's colleagues and friends to pick up where he left off and pass legislation that helps all Americans obtain affordable, quality health coverage. Teddy Kennedy dreamed of a day when decent, quality health care is a fundamental right and not just a privilege. We are once again at the edge of transformative change in our country. We have Teddy Kennedy to thank for getting us to this point. I look forward to joining my colleagues as we make Teddy's final dream a reality.

Mr. BEGICH. Mr. President, I rise to speak of the enormous contributions to this body and to our nation of our former colleague, the late senior Senator from Massachusetts, Ted Kennedy.

When I took the oath as a U.S. Senator on January 3, 2009, I have to confess to a fair amount of trepidation. Many great statesmen have served before me in this esteemed body. For a former mayor from a State so distant from Washington, DC, taking a seat among these American leaders was a little intimidating.

No sitting Senator was a larger giant than Ted Kennedy and he impacted my life long before I arrived here. As a boy born and raised in Anchorage, my parents spoke of the great pride in public service the Kennedy family inspired in our family and in our Nation. My father, the late Nick Begich, served for 2 years in the Congress with Senator Kennedy, before my dad's death in 1972.

In many ways, Alaska and Massachusetts can't be further apart. Alaska is just celebrating its 50th year of admission to the United States and is a vast land rich in natural resources and of conservative, independent-minded people. The Bay State was the site of one of America's first settlements more than four centuries ago, is well developed, and its residents decidedly more liberal.

Yet in the first week of April 1968, those differences faded when Senator Kennedy traveled to Sitka to deliver a speech to the Alaska Democratic State Convention. The days-old assassination of Dr. Martin Luther King Jr. still ached in the hearts of Americans. In a scratchy tape recording of his speech, Senator Kennedy calls on Americans to rise above the frustration and fury they felt and to rededicate ourselves to ''wipe away cynicism and to introduce the understanding that we wish to see future generations exercise so they will not suffer as their mothers and fathers have suffered.''

The transcript of that speech shows that Alaska U.S. Senator Ernest Gruening and the gathered Alaskans rose to a standing ovation as Senator Kennedy concluded his inspirational remarks. Today, 41 years later, those words continue to serve as an inspiration to me.

Mr. President, I had the opportunity to meet Senator Kennedy only once, when he welcomed me as a Member of this body just a few months ago. The intimidation I felt as a new Senator melted in his warmth and graciousness.

It will be a moment I will remember for the rest of my life.

ADDITIONAL STATEMENTS

TRIBUTE TO SOUTHGATE'S VOLUNTEER FIREFIGHTERS

• Mr. BUNNING. Mr. President, today I congratulate the members of the city of Southgate's Volunteer Fire Department. This year marks the department's centennial anniversary.

This year the city of Southgate's Volunteer Fire Department is celebrating 100 years of service to the Northern Kentucky area. Southgate is my hometown, and I know and appreciate the great lengths that the fire department goes to in order to keep its citizens safe. I want to honor every volunteer who, on a daily basis, risks his or her life to faithfully serve their neighbors.

Again, I congratulate the city of Southgate's Volunteer Fire Department on reaching their centennial milestone. I know that the volunteers' efforts are an inspiration to others in Kentucky and throughout the Nation.•

100TH ANIVERSARY OF PINEY WOODS SCHOOL

• Mr. COCHRAN. Mr. President, I am pleased to congratulate the Piney Woods School in Piney Woods, MS on their 100th anniversary. The Piney Woods School was founded in 1909 by Dr. Laurence C. Jones to educate the head, heart, and hands of young people. This transformative educational model was first exhibited by teaching the children of poor sharecroppers to read. Today, the school serves as a home, and offers educational opportunities to students from 23 States and 7 foreign countries.

The Piney Woods School is one of only four historically African-American boarding schools left in the United States. Diligently preparing their students for institutions of higher learning, Piney Woods propels 98 percent of its graduates on to attend some of the best colleges and universities in the country. The school has been featured on ''60 Minutes'' and ''U.S. News and World Report'' for their commitment to educate our disadvantaged youth.

The Piney Woods School has also made a commitment to service and leadership in their community, State, and country. The school was the first high school in the Nation to incorporate an Americorps program into its curriculum. Each of the 50 members in the senior class at Piney Woods School serves in the role of a quarter-time Americorps volunteer. In this capacity, they are actively involved in providing service in disaster areas, building playgrounds in inner cities, creating after-school programs for youth in rural American communities, and providing online tutorial services for students.

I congratulate the Piney Woods School on 100 great years and commend them on their educational successes and commitment to service. I am proud that the Piney Woods School is in my home State of Mississippi, and I wish them the best in the future.•

50TH ANNIVERSARY OF ACT

• Mr. HARKIN. Mr. President, I would like to congratulate the ACT organization, which is celebrating its 50th anniversary, this year. As many of our colleagues know, ACT is an independent, nonprofit group based in Iowa City that provides an array of testing, assessment, and research services in the areas of education and workforce development.

ACT was launched in 1959 as the American College Testing Program by a University of Iowa professor of education and colleagues from 16 Midwestern States. Their goal was to help college-bound students find a good match for their interests and aptitudes, and to help colleges and universities place students into appropriate freshman-level classes.

On November 7, 1959, about 75,000 students took the first ACT assessment. This year, nearly 1.5 million graduating seniors 45 percent of all high school graduates in the Nation took the ACT exam.

From its relatively humble beginnings a half century ago, ACT has grown into an enterprise with a global reach. In addition to its testing and assessment services, it has developed programs to prepare students for success in college. It has created the National Career Readiness Certificate, a tool that thousands of educators and employers nationwide use to confirm that individuals have essential core employability skills. In addition, ACT is one of several partners in a new Manufacturing Skills Certification System designed by the National Association of Manufacturers, the Nation's largest industrial trade organization.

In addition to its Iowa City headquarters, ACT has 12 field offices across the United States, as well as offices in Australia, Korea, China, Singapore, and Spain. It has a global workforce of nearly 1,500.

I salute all of the superb professionals at ACT, whose vision and hard work have built an organization respected worldwide for its innovation and excellence. And I wish them even greater success in their next half century.•

RECOGNIZING THE MUSCATINE HISTORY AND INDUSTRY CENTER

• Mr. HARKIN. Mr. President, I would like to congratulate the Muscatine History & Industry Center for being selected to participate in the rigorous Museum Assessment Program sponsored by the American Association of Museums.

The entire Muscatine community takes great pride in the History and Industry Center's success in showcasing the city's past role as ''pearl button capital of the world,'' as well as the historic contributions of three local enterprises: Bandag, a half-century-old company specializing in silver tubes, mesh venting, and tire treads; HNI Corporation, the world's second largest manufacturer of office furniture and the nation's No. 1 maker of gas- and wood-burning fireplaces; and Stanley Consultants, a global provider of engineering, environmental, and construction services.

The Muscatine History and Industry Center is a relatively small museum, but it has a very big impact. Not only does it welcome many thousands of visitors annually, it reaches out to the community with a variety of programs and activities, and hosts daily visits by school groups—from prekindergarten through high school. Students and youth groups learn by interacting with the Center's artifacts and many hands-on activities.

As the center begins participation in the Museum Assessment Program, it looks forward to an extended period of self-examination and peer review designed to improve its operations and programming, and to identify current and future challenges.

I congratulate the Muscatine History and Industry Center for taking this giant step forward in its development as a museum. And I salute all the outstanding professionals and volunteers at the center whose vision and tireless efforts have made this institution such an important part of Muscatine's cultural life.•

RECOGNIZING THE UNIVERSITY MUSEUMS

• Mr. HARKIN. Mr. President, I would like to congratulate the University Museums at Iowa State University for earning formal accreditation by the American Association of Museums, an honor that is bestowed on fewer than 10 percent of museums across the United States.

As a proud alumnus of Iowa State, I know that the university community takes great pride in its diverse collection of museums, including the three museums that together make up University Museums at Iowa State University: the Brunnier Art Museum, the Art on Campus Collection, and the Farm House Museum.

The Brunnier is dedicated to the decorative arts, including works by Grant Wood and Louis Comfort Tiffany. The Art on Campus Collection consists of more than 2,000 works of public art located all across the campus in buildings, courtyards, open spaces, and offices. The Farm House Museum is a wonderful 19th century house and a National Historic Landmark, offering visitors a window into what life was like on campus in the university's earliest days, when most faculty members lived on the college grounds.

These collections and museums make a powerful contribution to the cultural

life of the ISU campus. They do so thanks to the quality of their art works and artifacts. Just as importantly, they do so by inviting the community to participate in special conferences, lectures, panel discussions, gallery walks, and gallery talks. University Museums has reinvented the idea of the museum as an educational and intellectual center, reaching out beyond the campus to the wider Ames community, including K–12 schools, with a wide range of cultural programs and activities.

Accreditation by the American Association of Museums does not come easily. It involves a rigorous process in which a museum demonstrates its commitment to the highest professional standards, public service, and excellence in education. University Museums at Iowa State University now joins an elite group of 778 AAM-accredited institutions spanning the United States.

I congratulate University Museums for this hard-earned recognition. And I salute all the outstanding museum professionals and volunteers whose vision and tireless efforts have contributed so much to the campus and to the entire Ames community.●

RECOGNIZING THE UNIVERSITY OF NORTHERN IOWA MUSEUMS AND COLLECTIONS

● Mr. HARKIN. Mr. President, I would like to congratulate the University of Northern Iowa Museums and Collections for being selected to participate in the rigorous Museum Assessment Program sponsored by the American Association of Museums.

I know that the university and the entire Cedar Falls community take great pride in the University Museum, the Marshall Center School, and the various collections that they encompass. The University Museum's collections and temporary exhibits focus on the natural world and traditional cultures. The Marshall Center School is a restored one-room schoolhouse, with a permanent exhibit celebrating Iowa's rural schools.

These museums and collections make a powerful contribution to the cultural life of the UNI campus. They do so thanks to the quality of their exhibits and artifacts. Just as importantly, they do so by inviting the community to participate in special conferences, lectures, panel discussions, and other activities. The university views its museums not as static institutions but as active educational and intellectual centers, reaching out beyond the campus to the wider Cedar Falls community, including K–12 schools.

The UNI Museums and Collections have been accredited by the American Association of Museums since 1975—an honor that is bestowed on fewer than 10 percent of museums in the United States. As this institution now begins participation in the Museum Assessment Program, it looks forward to an extended period of self-examination and peer review designed to improve its operations and programming, and to identify current and future challenges.

I congratulate the UNI Museums and Collections for taking this important step forward in its development as an institution. And I salute all the outstanding professionals and volunteers whose vision and tireless efforts have contributed so much to the campus and to the entire Cedar Falls community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3123. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1772. A bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

H.R. 3548. An act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

H.R. 3590. An act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3305. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Displays within the Captain of the Port Puget Sound Zone'' ((RIN1625–AA00) (Docket No. USG–2009–0752)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3306. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Calcasieu River, Hackberry, Louisiana'' ((RIN1625–AA87) (Docket No. USG–2009–0317)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3307. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; IJSBA World Finals, Lower Colorado River, Lake Havasu, Arizona'' ((RIN1625–AA00) (Docket No. USG–2009–0194)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3308. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''San Clemente Island Northwest Harbor October and November Training; Northwest Harbor San Clemente Island, California'' ((RIN1625–AA00) (Docket No. USG–2009–0747)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3309. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Robert Moses Causeway Bridge State Boat Channel, Captree, New York'' ((RIN1625–AA00) (Docket No. USG–2009–0755)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3310. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, Virginia'' ((RIN1625–AA00) (Docket No. USG–2009–0529)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3311. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Parker US Open Nationals; Parker, Arizona'' ((RIN1625–AA00) (Docket No. USG–2009–0474)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3312. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois'' ((RIN1625–AA11) (Docket No. USG–2009–0767)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3313. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois'' ((RIN1625–AA11) (Docket No. USG–2009–0789)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3314. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois'' ((RIN1625–AA11) (Docket No. USG–2009–0884)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3315. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Naval Training October and November; San Clemente Island, California'' ((RIN1625–AA00) (Docket No. USG–2009–0748)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3316. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier–91, Seattle, Washington'' ((RIN1625–AA00) (Docket No. USG–2009–0331)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3317. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Large Passenger Vessel Crew Requirements'' ((RIN1625–AB16) (Docket No. USG–2007–27761)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3318. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sabine River, Orange, Texas'' ((RIN1625–AA00) (Docket No. USG–2009–0359)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3319. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Hood Canal Bridge Cable Laying Operation, Hood Canal, Washington'' ((RIN1625–AA00) (Docket No. USG–2009–0496)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3320. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events; Mattaponi River, Wakema, Virginia'' ((RIN1625–AA08)(Docket No. USG–2009–0460)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3321. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas; Henderson Harbor, New York'' ((RIN1625–AA01)(Docket No. USG–2009–0854)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3322. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the expenditure of funds under the Recovery Act; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2009–10 Main Hawaiian Islands Bottomfish Total Allowable Catch'' (RIN0648–XQ14) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3324. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XR71) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3325. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure'' (RIN0648–XR63) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3326. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson–Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels'' (RIN0648–XR58) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3327. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Raritan River, Arthur Kill and Their Tributaries, Staten Island, New York and Elizabeth, New Jersey'' ((RIN1625–AA09)(Docket No. USG–2009–0202)) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3328. A communication from the Secretary of the Commission, Office of the General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice'' (16 CFR Parts 3 and 4) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3329. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wyoming Regulatory Program'' (SATS No. WY–035–FOR) received in the Office of the President of the Senate on October 8, 2009; to the Committee on Energy and Natural Resources.

EC–3330. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing Lepidium papilliferum (Slickspot Peppergrass) as a Threatened Species Throughout Its Range'' (RIN1018–AW34) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Environment and Public Works.

EC–3331. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter'' (RIN1018–AV92) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Environment and Public Works.

EC–3332. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Industry Director's Directive No. 5 on Mixed Service Costs'' (LMSB–4–0809–033) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

EC–3333. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Customs Broker License Examination Appeals'' (CPB Dec. 09–38) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

EC–3334. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans'' (RIN0938–AP37) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1692. A bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1773. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grant programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

By Mr. WEBB (for himself, Mr. ALEXANDER, Mr. CORKER, and Mr. UDALL of Colorado):

S. 1774. A bill for the relief of Hotaru Nakama Ferschke; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. SESSIONS, Mr. BENNET, Mr. LIEBERMAN, Mr. INHOFE, Mr. WHITEHOUSE, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. SCHUMER, Mr. SPECTER, Ms. KLOBUCHAR, Mr. UDALL of Colorado, Mr. BINGAMAN, and Mr. DODD):

S. 1775. A bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; read the first time.

By Mr. UDALL of Colorado:

S. 1777. A bill to facilitate the remediation of abandoned hardrock mines, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. INHOFE, and Mr. BOND):

S. Res. 311. A resolution encouraging the United States Trade Representative to pursue a free trade agreement between the United States and the Association of Southeast Asian Nations; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DURBIN, Mr. CARDIN, and Mr. BOND):

S. Res. 312. A resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID); to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MENENDEZ, Mr. CRAPO, and Mr. BENNETT):

S. Res. 313. A resolution supporting the goals and ideals of Red Ribbon Week, 2009; considered and agreed to.

ADDITIONAL COSPONSORS

S. 640

At the request of Mr. LEMIEUX, his name was added as a cosponsor of S. 640, a bill to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

S. 654

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 659

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 659, a bill to improve the teaching and learning of American history and civics.

S. 831

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Colorado (Mr. BENNET), the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. REED), the Senator from Tennessee (Mr. CORKER), the Senator from Montana (Mr. TESTER), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. MERKLEY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1065

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

At the request of Mr. BROWNBACK, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1065, supra.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1326

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1326, a bill to amend the American Recovery and Reinvestment Tax Act of 2009 to clarify the low-income housing credits that are eligible for the low-income housing grant election, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1341

At the request of Mr. MENENDEZ, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1341, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions.

S. 1382

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1389, a bill to clarify

the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1441

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1441, a bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members.

S. 1472

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1472, a bill to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1657

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1657, a bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from government plans for qualified public safety employees.

S. 1659

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1659, a bill to enhance penalties for violations of securities protections that involve targeting seniors.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1739

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1739, a bill to promote freedom of the press around the world.

S. 1749

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. RES. 295

At the request of Mr. BAYH, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 295, a resolution designating October 13, 2009, as ''National Metastatic Breast Cancer Awareness Day''.

AMENDMENT NO. 2644

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 2644 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2668

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2668 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2670

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of amendment No. 2670 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1773. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grant programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, it is my pleasure today to introduce the Comprehensive Cancer Care Improvement Act, a bill to improve cancer care quality by encouraging the development of written plans for cancer care. The U.S. has a system of cancer care that is the envy of all nations for its technical superiority and the sophistication of treatment offered to many patients. Unfortunately, not all Americans receive the best care the Nation has to offer.

The Comprehensive Cancer Care Improvement Act would take a step towards ensuring that all Americans have access to cancer care of the highest quality. The bill would authorize a Medicare service for cancer care planning and encourage the adoption of care planning as a routine practice in all cancer care settings. The Institute of Medicine, IOM, has identified as critical to high-quality cancer care the development of plans of care at the beginning of cancer treatment and at the transition to survivorship. Moreover, the debate on health care reform has highlighted care coordination to improve efficiency and reduce unnecessary utilization of health care resources. Care planning facilitates the coordination of cancer care.

The need for this legislation was first brought to my attention in dramatic

fashion in the aftermath of Hurricane Katrina, when cancer patients and their physicians scurried to recreate their records in order to minimize interruptions in care and to prevent any duplication of care. Some of the problems that cancer patients encountered could have been eliminated if they had possessed written care plans. In a moving statement at a Hill briefing in 2007, one of my constituents described her efforts to create her own care plan by grabbing various documents that had been supplied by her oncologist as she was being evacuated from her home. Although not as useful as a clear care plan, these documents helped that patient and her new physician chart her course of care. The experience taught us that key recommendations from the IOM related to cancer care—and especially the recommendation for cancer care planning should be taken off the shelf and put into action.

There are many advantages of written cancer care plans for patients, physicians, and the entire health care system. Patients report that they are empowered by receiving care plans that spell out choices, facilitate the coordination of treatment and symptom management, and identify the follow-up services they will need post-treatment. Physicians say that communication with their patients is improved by developing and sharing care plans that are clear and concise, and some practices that have adopted care planning say that they are observing the identification and elimination of duplicative tests and procedures and an overall greater efficiency in care, all achieved while enhancing quality of care and patient satisfaction.

The Comprehensive Cancer Care Improvement Act, introduced in the House of Representatives by Representatives LOIS CAPPS and CHARLES BOUSTANY, establishes a new Medicare service for cancer care planning and authorizes programs that are aimed at increasing the utilization of care planning in all cancer care settings and ensuring access to care plans by underserved populations. I urge my colleagues to join me in cosponsoring this legislation to enhance cancer patients' access to quality care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1773

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Cancer Care Improvement Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM
Sec. 101. Coverage of cancer care planning services.
Sec. 102. Demonstration project to provide comprehensive cancer care symptom management services under Medicare.
TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS
Sec. 201. Grants for comprehensive palliative care and symptom management programs.
TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT
Sec. 301. Grants to improve health professional education.
Sec. 302. Grants to improve Continuing Professional Education.
TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS
Sec. 401. Research program.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Individuals with cancer often do not have access to a cancer care system that provides comprehensive and coordinated care of high quality.

(2) The cancer care system has not traditionally offered individuals with cancer a prospective and comprehensive plan for treatment and symptom management, strategies for updating and evaluating such plan with the assistance of a health care professional, and a follow-up plan for monitoring and treating possible late effects of cancer and its treatment.

(3) Cancer survivors often experience the under-diagnosis and under-treatment of the symptoms of cancer, a problem that begins at the time of diagnosis and often becomes more severe at the end of life. The failure to treat the symptoms, side effects, and late effects of cancer and its treatment may have a serious adverse impact on the health, well-being, and quality of life of cancer survivors.

(4) Cancer survivors who are members of racial and ethnic minority groups may face special obstacles in receiving cancer care that is coordinated and includes appropriate management of cancer symptoms and treatment side effects.

(5) Individuals with cancer are sometimes put in the untenable position of choosing between potentially curative therapies and palliative care instead of being assured access to comprehensive care that includes appropriate treatment and symptom management.

(6) Comprehensive cancer care should incorporate access to psychosocial services and management of the symptoms of cancer (and the symptoms of its treatment), including pain, nausea and vomiting, fatigue, and depression.

(7) Comprehensive cancer care should include a means for providing cancer survivors with a comprehensive care summary and a plan for follow-up care after primary treatment to ensure that cancer survivors have access to follow-up monitoring and treatment of possible late effects of cancer and cancer treatment.

(8) The Institute of Medicine report, ''Ensuring Quality Cancer Care'', described the elements of quality care for an individual with cancer to include—

(A) the development of initial treatment recommendations by an experienced health care provider;

(B) the development of a plan for the course of treatment of the individual and communication of the plan to the individual;

(C) access to the resources necessary to implement the course of treatment;

(D) access to high-quality clinical trials;

(E) a mechanism to coordinate services for the treatment of the individual; and

(F) psychosocial support services and compassionate care for the individual.

(9) In its report, ''From Cancer Patient to Cancer Survivor: Lost in Transition'', the Institute of Medicine recommended that individuals with cancer completing primary treatment be provided a comprehensive summary of their care along with a follow-up survivorship plan of treatment.

(10) Since more than half of all cancer diagnoses occur among elderly Medicare beneficiaries, the problems of providing cancer care are problems of the Medicare program.

(11) Shortcomings in providing cancer care, resulting in inadequate management of cancer symptoms and insufficient monitoring and treatment of late effects of cancer and its treatment, are related to problems of Medicare payments for such care, inadequate professional training, and insufficient investment in research on symptom management.

(12) Changes in Medicare payment for comprehensive cancer care, enhanced public and professional education regarding symptom management, and more research related to symptom management and palliative care will enhance patient decision-making about treatment options and will contribute to improved care for individuals with cancer from the time of diagnosis of the individual through the end of the life of the individual.

TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM

SEC. 101. COVERAGE OF CANCER CARE PLANNING SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking ''and'' at the end of subparagraph (DD);

(B) by adding ''and'' at the end of subparagraph (EE); and

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

''(FF) comprehensive cancer care planning services (as defined in subsection (hhh));''; and

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

''Comprehensive Cancer Care Planning Services

''(hhh)(1) The term 'comprehensive cancer care planning services' means—

''(A) with respect to an individual who is diagnosed with cancer, the development of a plan of care that—

''(i) details, to the greatest extent practicable, all aspects of the care to be provided to the individual, with respect to the treatment of such cancer, including any curative treatment and comprehensive symptom management (such as palliative care) involved;

''(ii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the date on which the individual is so diagnosed;

''(iii) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

''(iv) is in accordance with standards determined by the Secretary to be appropriate;

''(B) with respect to an individual for whom a plan of care has been developed under subparagraph (A), the revision of such plan of care as necessary to account for any substantial change in the condition of the individual, if such revision—

''(i) is in accordance with clauses (i) and (iii) of such subparagraph; and

''(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision;

''(C) with respect to an individual who has completed the primary treatment for cancer, as defined by the Secretary (such as completion of chemotherapy or radiation treatment), the development of a follow-up cancer care plan that—

''(i) describes the elements of the primary treatment, including symptom management, furnished to such individual;

''(ii) provides recommendations for the subsequent care of the individual with respect to the cancer involved;

''(iii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the completion of such primary treatment;

''(iv) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

''(v) is in accordance with standards determined by the Secretary to be appropriate; and

''(D) with respect to an individual for whom a follow-up cancer care plan has been developed under subparagraph (C), the revision of such plan as necessary to account for any substantial change in the condition of the individual, if such revision—

''(i) is in accordance with clauses (i), (ii), and (iv) of such subparagraph; and

''(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision.

''(2) The Secretary shall establish standards to carry out paragraph (1) in consultation with appropriate organizations representing providers of services related to cancer treatment and organizations representing survivors of cancer. Such standards shall include standards for determining the need and frequency for revisions of the plans of care and follow-up plans based on changes in the condition of the individual and standards for the communication of the plan to the patient.''.

(b) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended by striking ''and'' before ''(W)'' and inserting before the semicolon at the end the following: '', and (X) with respect to comprehensive cancer care planning services described in any of subparagraphs (A) through (D) of section 1861(hhh)(1), the amount paid shall be an amount equal to the sum of (i) the national average amount under the physician fee schedule established under section 1848 for a new patient office consultation of the highest level of service in the non-facility setting, and (ii) the national average amount under such fee schedule for a physician certification described in section 1814(a)(2) for home health services furnished to an individual by a home health agency under a home health plan of care''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the first day of the first calendar year that begins after the date of the enactment of this Act.

SEC. 102. DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE SYMPTOM MANAGEMENT SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a two-year demonstration project (in this section referred to as the ''demonstration project'') under title XVIII of the Social Security Act under which payment shall be made under such title for comprehensive cancer care symptom management services, including items and services described in subparagraphs (A) through (I) of section 1861(dd)(1) of the Social Security Act, furnished by an eligible entity, in accordance with a plan developed under subparagraph (A) or (C) of section 1861(hhh)(1) of such Act, as added by section 101(a). Sections 1812(d) and 1814(a)(7) of such Act (42 U.S.C. 1395d(d), 1395f(a)(7)) are not applicable to items and services furnished under the demonstration project. Participation of Medicare beneficiaries in the demonstration project shall be voluntary.

(b) QUALIFICATIONS AND SELECTION OF ELIGIBLE ENTITIES.—

(1) QUALIFICATIONS.—For purposes of subsection (a), the term ''eligible entity'' means an entity (such as a cancer center, hospital, academic health center, hospice program, physician practice, school of nursing, visiting nurse association, or other home health agency) that the Secretary determines is capable, directly or through an arrangement with a hospice program (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))), of providing the items and services described in such subsection.

(2) SELECTION.—The Secretary shall select not more than 10 eligible entities to participate in the demonstration project. Such entities shall be selected in a manner so that the demonstration project is conducted in different regions across the United States and in urban and rural locations.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct a comprehensive evaluation of the demonstration project to determine—

(A) the effectiveness of the project in improving patient outcomes;

(B) the cost of providing comprehensive symptom management, including palliative care, from the time of diagnosis;

(C) the effect of comprehensive cancer care planning and the provision of comprehensive symptom management on patient outcomes, cancer care expenditures, and the utilization of hospitalization and emergent care services; and

(D) potential savings to the Medicare program demonstrated by the project.

(2) REPORT.—Not later than the date that is one year after the date on which the demonstration project concludes, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1).

TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS

SEC. 201. GRANTS FOR COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities for the purpose of—

(1) establishing a new palliative care and symptom management program for cancer patients; or

(2) expanding an existing palliative care and symptom management program for cancer patients.

(b) AUTHORIZED ACTIVITIES.—Activities funded through a grant under this section may include—

(1) securing consultative services and advice from institutions with extensive experience in developing and managing comprehensive palliative care and symptom management programs;

(2) expanding an existing program to serve more patients or enhance the range or quality of services, including cancer treatment patient education services, that are provided;

(3) developing a program that would ensure the inclusion of cancer treatment patient education in the coordinated cancer care model; and

(4) establishing an outreach program to partner with an existing comprehensive care program and obtain expert consultative services and advice.

(c) DISTRIBUTION OF FUNDS.—In making grants and distributing the funds under this section, the Secretary shall ensure that—

(1) two-thirds of the funds appropriated to carry out this section for each fiscal year are used for establishing new palliative care and symptom management programs, of which not less than half of such two-thirds shall be for programs in medically underserved communities to address issues of racial and ethnic disparities in access to cancer care; and

(2) one-third of the funds appropriated to carry out this section for each fiscal year are used for expanding existing palliative care and symptom management programs.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' includes—

(A) an academic medical center, a cancer center, a hospital, a school of nursing, or a health system capable of administering a palliative care and symptom management program for cancer patients;

(B) a physician practice with care teams, including nurses and other professionals trained in palliative care and symptom management;

(C) a visiting nurse association or other home care agency with experience administering a palliative care and symptom management program;

(D) a hospice; and

(E) any other health care agency or entity, as the Secretary determines appropriate.

(2) The term ''medically underserved community'' has the meeting given to that term in section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)).

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT

SEC. 301. GRANTS TO IMPROVE HEALTH PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to enable the entities to improve the quality of graduate and postgraduate training of physicians, nurses, and other health care providers in palliative care and symptom management for cancer patients.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) the ability to incorporate palliative care and symptom management into training programs; and

(2) the ability to collect and analyze data related to the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of professional training programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' means a cancer center (including an NCI-designated cancer center), an academic health center, a physician practice, a school of nursing, or a visiting nurse association or other home care agency.

(2) The term ''NCI-designated cancer center'' means a cancer center receiving funds

through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

SEC. 302. GRANTS TO IMPROVE CONTINUING PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to improve the quality of continuing professional education provided to qualified individuals regarding palliative care and symptom management.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) experience in sponsoring continuing professional education programs;

(2) the ability to reach health care providers and other professionals who are engaged in cancer care;

(3) the capacity to develop innovative training programs; and

(4) the ability to evaluate the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of continuing professional education programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' means a cancer center (including an NCI-designated cancer center), an academic health center, a school of nursing, or a professional society that supports continuing professional education programs.

(2) The term ''NCI-designated cancer center'' means a cancer center receiving funds through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term ''qualified individual'' means a physician, nurse, social worker, chaplain, psychologist, or other individual who is involved in providing palliative care and symptom management services to cancer patients.

(4) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS

SEC. 401. RESEARCH PROGRAM.

(a) IN GENERAL.—The Director of the National Institutes of Health shall establish a program of grants for research on palliative care, symptom management, communication skills, and other end-of-life topics for cancer patients.

(b) INCLUSION OF NATIONAL RESEARCH INSTITUTES.—In carrying out the program established under this section, the Director should provide for the participation of the National Cancer Institute, the National Institute of Nursing Research, and any other national research institute that has been engaged in research described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ''Director'' means the Director of the National Institutes of Health.

(2) The term ''national research institute'' has the meaning given to that term in section 401(g) of the Public Health Service Act (42 U.S.C. 281(g)).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

By Mr. WEBB (for himself, Mr. ALEXANDER, Mr. CORKER, and Mr. UDALL of Colorado).

S. 1774. A bill for the relief of Hotaru Nakama Ferschke; to the Committee on the Judiciary.

Mr. WEBB. Mr. President, we are debating a lot of great long-term issues in this body. I wish to speak for a short period of time today about something on the other end of the political spectrum, about something that I believe is an issue—a small issue—a private bill that all of us should come together on in rather quick measure.

Every now and then, there comes an issue that tells us a lot about who we are and how we live up to our promises, great and small, and particularly the promises that we make to those who step forward and place their lives on the line in order to carry out the policies that we ourselves put in place.

Like all of the Members of this body, I take a back seat to no one in my affection and support for the people who step forward and serve our country. I come from a family that has a long citizen-soldier tradition. I have several ancestors—direct ancestors—who fought in the American Revolution, and we have participated as citizen-soldiers in just about every war since then.

My colleagues know how strongly I feel about the U.S. Marine Corps. I had the great privilege of commanding marines in combat in Vietnam. My brother was a marine. My son is a marine. My son-in-law is a marine.

Many of my colleagues know of my long association with the people of Okinawa, beginning almost 41 years ago when I first was there on my way into Vietnam, but continuing as a journalist, as a government official, as a tourist, as a guest of the government.

As most of my colleagues know, in my nongovernment service, I principally made my living as a writer, as a novelist. All of these issues dovetail in this private bill that I and the two Senators from Tennessee are introducing today.

In the first novel I wrote, which was about the Vietnam war, a subplot was about a young marine who fell in love with an Okinawan girl and who, after being wounded, went back into Vietnam, had left her with child, and was killed. She, not knowing this, bore the burden of carrying his son without having been formally married to this young marine. Flash forward 40 years to the future and to a different war, and we have a situation that I believe needs some prompt action on our part.

This private bill is not asking for any favors. It is not asking for any special consideration. It is simply asking that the young widow of a marine be treated like any other widow.

SGT Michael Ferschke, a 22-year-old marine, had been serving in Okinawa and had met Hotaru Nakama. They dated for a year before he deployed to Iraq. Just before he deployed, they found out that she was with child. They had, by all independent verifications, agreed that they would be married before they discovered she had been with child. He deployed to Iraq, and due to the circumstances of his combat time, they arranged to be married by telephone on July 10, 2008, when he was in Iraq. One month later to the day, he was killed.

That marriage is a marriage that is recognized, including in the State of Virginia, as a valid marriage. And yet because of an idiosyncracy in our immigration laws that dates back 55 years, the Department of Homeland Security, for immigration purposes, will not recognize this marriage.

This quirk in the law was put into place during the Korean war in order to prevent fraudulent marriages that had never been consummated. But clearly in this case, this is a marriage that could not be consummated because this young man was serving our country in Iraq. They have a child.

Every agency of the U.S. Government has done everything they can on this young widow's behalf. She is staying with the young marine's family in Tennessee on a tourist visa. The Department of Homeland Security, the Department of State, the U.S. Marine Corps—all have been as helpful as they can be in assisting this marine's young widow in her desire to have permanent immigration status in this country. There is no way it can happen under present law because of the peculiarities of the law. There is only one way that can happen, and that is if we pass a special bill that will do only one thing, and that is to give her the exact status that she would have had if they had been standing next to each other when they exchanged their vows in marriage. And there is only one reason they were not standing next to each other when they exchanged their vows in marriage, and that is because he was serving his country in Iraq.

I earnestly hope that all of this body and the other body can come together and remove this idiosyncracy from the lives of these people who have suffered so much because Michael Ferschke, sergeant, U.S. Marine Corps, stepped forward and did what we asked him to do and served our country.

By Ms. STABENOW:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; read the first time.

Ms. STABENOW. Mr. President, I rise for just a moment because I am introducing a bill today that I will speak more about at another time, but it is a very important bill for the physicians of this country.

We have had a failed, flawed payment system in place for many years as it relates to physicians, and we come back

every year, in fact, and stop the cuts that are proposed under that flawed system to make sure we are not putting our physicians in harm's way as it relates to their Medicare reimbursements.

This has gone on year after year after year after year. We all know that the sustainable growth rate process is flawed and yet we have not fixed it permanently. So the legislation I have would, in fact, fix this permanently and guarantee we are stopping this cycle that we put our physicians and hospitals through every year, where there may be a cut, there may not be a cut, and in the end we have to come in and fix it.

So this is a bill that would permanently change the payment system for physicians to a fairer system. It does have a cost to it. It is less than it was prior to the very positive action the Secretary of Health and Human Services took a few weeks ago, removing the costs of medicine from the formula. It should never have been there in the first place. But by removing that, that means the overall costs are less than they otherwise would be.

But it is important we get this right, we fix what has been a very flawed system. As we go into the health care reform debate, I think it is important we get this done right first so every physician understands we are not going to put them in this position year after year after year.

By Mr. UDALL of Colorado:

S. 1777. A bill to facilitate the remediation of abandoned hardrock mines, and for other purposes; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, I rise tonight to announce that I am introducing legislation designed to help promote the cleanup of abandoned and inactive hard rock mines that are a menace to the environment and public health throughout the country, but especially to the West.

In previous sessions of Congress when I was a Member of the House of Representatives, I introduced similar bills. Following the introduction of those previous bills, revisions were made to incorporate a number of changes developed in consultation with a wide range of interested parties. These parties included representatives of the Western Governors' Association, the Environmental Protection Agency, the hardrock mining industry, and environmental groups.

The bill I am introducing today is also the product of further consultations. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines.

For over one hundred years, miners and prospectors have searched for and developed valuable hardrock minerals, such as gold, silver, and copper. Hardrock mining has played a key role in the history of Colorado and many other States. The resulting mineral wealth has been an important aspect of our economy and the development of essential products that we all take for granted.

However, as all westerners know, this history has too often been marked by a series of ''boom'' times followed by ''busts,'' when mines were no longer profitable. When these busts came, too often the miners would abandon their work and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the Western public lands where mineral development was encouraged to help settle our region.

The problems caused by abandoned and inactive mines are very real and very large. They include acidic water draining from old tunnels; heavy metals leaching into streams, killing fish and tainting water supplies; open vertical mine shafts; dangerous highwalls; large open pits; waste rock piles that are unsightly and dangerous; and hazardous dilapidated structures.

Unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hard rock mines, are of limited effectiveness when they are applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

Right now, there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal.

While the Clean Water Act is one of the most effective and important of our environmental laws, as applied to abandoned hard rock mines, it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be Good Samaritans understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

The Governors of our Western States have recognized the need for action to address this serious problem. They have adopted bipartisan resolutions on this subject, such as the position adopted in the 2007 resolution entitled ''Cleaning Up Abandoned Mines.'' In this resolution, the Governors urged Congress to take action to address liability issues and funding concerns. The Governors sent a letter in November 2007 expressing support for the previous version of the bill I am introducing today.

The bill I am filing today will help address this impediment and make it easier for volunteers, who had no role in creating the problem, to help clean up these sites and improve the environment. It does so by providing a new permit program whereby volunteers can, under an approved plan, reduce the water pollution flowing from an abandoned mine. At the same time, volunteers will not be exposed to the full liability and ongoing responsibility provisions of the Clean Water Act.

Unlike other bills that have been introduced on this topic, my bill only addresses Clean Water Act liability and does not waive any other environmental law. This is because I do not believe we have to go that far. There are administrative avenues and options available to Good Samaritans to address compliance without other environmental laws that may apply at these sites. However, such administrative options are not available for Clean Water Act liability. So my bill only addresses this restriction on moving forward on projects to clean up water releases.

The new permit proposed in my bill would help address problems that have frustrated Federal and State agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue, not only to improve the environment but also to ensure that our water supplies are safe and usable.

Let me be clear, the bill does not address all the concerns some would-be Good Samaritan may have about initiating cleanup projects. I am committed to continue working to address those additional concerns through additional legislation and in other ways. But the bill I am filing today can make a real difference, and I think it deserves approval without unnecessary delay.

Mr. President, I ask unanimous consent to have printed in the RECORD a longer version of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. UDALL of Colorado. Mr. President, today I am introducing legislation designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the West.

In the 107, 108, 109, and 110 Congresses, I introduced similar bills aimed at that result. Following the bill's first introduction in the 107 Congress, revisions were made to incorporate a number of changes developed in consultation with interested parties, including representatives of the Western Governors' Association, the Environmental Protection Agency, the hardrock mining industry, and environmental groups.

The bill I am introducing today is also the product of further consultations. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines.

For over one hundred years, miners and prospectors have searched for and developed valuable ''hardrock'' minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products. However, as all westerners know, this history has too often been

marked by a series of ''boom'' times followed by ''busts'' when mines were no longer profitable. When these busts came, too often the miners would abandon their work and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels; heavy metals leaching into streams, killing fish and tainting water supplies; open vertical mine shafts; dangerous highwalls; large open pits; waste rock piles that are unsightly and dangerous; and hazardous dilapidated structures.

Unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal.

While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be ''good Samaritans'' understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective, it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

The Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on this subject, such as its most recent resolution in 2007 entitled Cleaning Up Abandoned Mines, wherein the governors urge Congress to take action to address liability issues and funding concerns. WGA also sent a letter in November 2007 expressing support for the previous version on the bill I am introducing today.

The bill I am filing today responds to a legal obstacle, the potential liability under the Clean Water Act that now deters many would-be ''good Samaritans'' from undertaking efforts to clean up abandoned hardrock mines. Unlike other bills that have been introduced on this topic, my bill only addresses Clean Water Act liability and does not waive any other environmental law. That's because I do not believe that we need to go that far. There are administrative avenues and options available to good Samaritans to address compliance with other environmental laws that may apply at these sites. However, such administrative options are not available for Clean Water Act liability, and so my bill only addresses this restriction on moving forward on projects to clean up water releases.

To help the efforts of ''good Samaritans,'' this bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control. I think this would encourage efforts to fix problems like those at the Pennsylvania Mine.

The new permits proposed in this bill would help address problems that have frustrated federal and state agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable. This bill does not address all the concerns some would-be Good Samaritans may have about initiating cleanup projects—and I am committed to continue working to address those additional concerns, through additional legislation and in other ways. But this bill can make a real difference, and I think it deserves approval without unnecessary delay.

For the benefit of our colleagues, I am including a brief outline of the bill's provisions.

Eligibility for Good Samaritan Permits—Permits could be issued to a person or entity not involved in creation of residue or other conditions resulting from mining at a site within the bill's scope. Any other similar person or entity could be a cooperating party to help with a cleanup.

Sites Covered by the Bill—The bill covers sites of mines and associated facilities in the United States once used for production of a mineral, other than coal, but no longer actively mined, but does not cover sites on the national priority list under Superfund.

Administration—The permits would be issued by the Environmental Protection Agency, EPA, or by a state or tribal government with an approved Clean Water Act permitting program.

Remediation Plans—To obtain a permit, an applicant would have to submit a detailed plan for remediation of the site. After an opportunity for public comments, the EPA or other permitting authority could issue a permit if it determined that implementing the plan would not worsen water quality and could result in improving it toward meeting applicable water quality standards.

Effect of Permit—Compliance with a Good Samaritan permit would constitute compliance with the Clean Water Act, and neither a permit holder nor a cooperating party would be responsible for doing any remediation activities except those specified in the remediation plan. When the cleanup is done, the permit expires, ending the Good Samaritan's responsibility for the project.

Report and Sunset Clause—9 years after enactment, EPA must report to Congress about the way the bill has been implemented, so Congress can consider whether to renew or modify the legislation, which under the bill will terminate after 10 years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1777

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 ''Good Samaritan Cleanup of Abandoned Hardrock Mines Act of 2009''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government and State governments have encouraged hardrock mining in the United States through a wide variety of laws, policies, and actions;

(2) mining operations produce metals and minerals that have important social benefits and values;

(3) many areas in the United States at which historic mining operations took place are now the locations of inactive and abandoned mine sites;

(4) the mining activities that took place prior to the enactment of modern environmental laws often disturbed public and private land, and those disturbances led to environmental pollution, including the discharge of pollutants into surface water and groundwater;

(5) many of the individuals and corporate owners and operators of mines the actions of which caused the pollution described in paragraph (4) are no longer alive or in existence;

(6) many of the historic mining sites have polluted the environment for more than a century and, unless remedied, will continue to do so indefinitely;

(7) unabated discharges from inactive and abandoned mines will continue to pollute surface water, groundwater, and soils;

(8) many of the streams and water bodies impacted by acid mine drainage are important resources for fish and wildlife, recreation, drinking water, agriculture, and other public purposes;

(9) some of the remaining owners and operators of historic mine sites do not have adequate resources to properly conduct the remediation of the mine sites under applicable environmental laws;

(10) from time to time, States, individuals, and companies are willing to remediate historic mine sites for the public good as Good Samaritans, despite the fact that those States, individuals, and companies are not legally required to do so;

(11) Good Samaritan remediation activities may—

(A) vary in size and complexity;

(B) reflect a myriad of methods by which mine residue may be cleaned up; and

(C) include, among other activities—

(i) the removal, relocation, or management of tailings or other waste piles;

(ii) passive or active water treatment; and

(iii) runoff or runon controls;

(12) the potential obligations, requirements, and liabilities under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) that may attach to Good Samaritans as the result of the conduct by the Good Samaritans of remediation activities can dissuade potential Good Samaritans from acting for the public good;

(13) it is in the interest of the United States, the States, and local communities to remediate historic mine sites—

(A) in appropriate circumstances and to the maximum extent practicable; and

(B) so that the detrimental environmental impacts of the historic mine sites are lessened in the future; and

(14) if appropriate protections are provided to Good Samaritans, Good Samaritans will have a greater incentive to remediate historic mine sites for the public good.

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

(1) to encourage the partial or complete remediation of inactive and abandoned mine sites for the public good by individuals or entities that are not legally responsible for the remediation;

(2) to allow any individual or entity not legally responsible for environmental conditions relating to an inactive or abandoned mine site—

(A) to make further progress toward the goal of meeting water quality standards in all water of the United States; and

(B) to improve other environmental media affected by past mining activities at the inactive or abandoned mine site without incurring any obligation or liability with respect to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(3) to ensure that remediation activities performed by Good Samaritans—

(A) result in actual and significant environmental benefits; and

(B) are carried out—

(i) with the approval and agreement, and at the discretion, of affected Federal, State, and tribal authorities;

(ii) in a manner that enables the public to conduct a review of, and submit comments relating to, the remediation activities; and

(iii) in a manner that is beneficial to the environment and each community affected by the remediation activities; and

(4) to further the innovations of, and cooperation among, the Federal Government, State and tribal governments, private individuals, and corporations to accelerate efforts relating to conservation and environmental restoration.

SEC. 3. SCOPE.

Nothing in this Act (or an amendment made by this Act)—

(1) reduces any existing liability; or

(2) facilitates the conduct of any mining or processing other than the conduct of any mining or processing that is required for the remediation of historic mine residue for the public good.

SEC. 4. GOOD SAMARITAN DISCHARGE PERMITS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) GOOD SAMARITAN DISCHARGE PERMITS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COOPERATING PERSON.—

''(i) IN GENERAL.—The term 'cooperating person' means any person that—

''(I) is a Good Samaritan;

''(II) assists a permittee in the remediation of an inactive or abandoned mine site; and

''(III) is identified in a Good Samaritan discharge permit issued under paragraph (2).

''(ii) INCLUSION.—The term 'cooperating person' includes the Federal Government.

''(B) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a person that—

''(i) is a Good Samaritan; and

''(ii) proposes a project, the purpose of which is to remediate, in whole or in part, actual or threatened pollution caused by historic mine residue at an inactive or abandoned mine site.

''(C) GOOD SAMARITAN.—The term 'Good Samaritan' means a person that, with respect to historic mine residue at an inactive or abandoned mine site—

''(i) had no role in the creation of the historic mine residue;

''(ii) had no role in creating any environmental pollution caused by the historic mine residue; and

''(iii) is not liable under any Federal, State, tribal, or local law for the remediation of the historic mine residue.

''(D) HISTORIC MINE RESIDUE.—

''(i) IN GENERAL.—The term 'historic mine residue' means mine residue or any condition resulting from activities at an inactive or abandoned mine site prior to October 18, 1972, that—

''(I) causes or contributes to the actual or threatened discharge of pollutants from the inactive or abandoned mine site; or

''(II) otherwise pollutes the environment.

''(ii) INCLUSIONS.—The term 'historic mine residue' includes—

''(I) ores and minerals that—

''(aa) were mined during the active operation of an inactive or abandoned mine site; and

''(bb) contribute to acid mine drainage or other environmental pollution;

''(II) equipment (including materials in equipment);

''(III) any waste or material resulting from any extraction, beneficiation, or other processing activity that occurred during the active operation of an inactive or abandoned mine site; and

''(IV) any acidic or otherwise polluted flow in surface water or groundwater that originates from an inactive or abandoned mine site.

''(E) IDENTIFIABLE OWNER OR OPERATOR.—The term 'identifiable owner or operator' means a person that is—

''(i) legally responsible under section 301 for a discharge that originates from an inactive or abandoned mine site; and

''(ii) financially capable of complying with each requirement described in this section and section 301.

''(F) INACTIVE OR ABANDONED MINE SITE.—

''(i) IN GENERAL.—The term 'inactive or abandoned mine site' means a mine site (including associated facilities) that—

''(I) is located in the United States;

''(II) was used for the production of a mineral other than coal;

''(III) has historic mine residue; and

''(IV) is no longer actively mined on the date on which an eligible applicant submits to a permitting authority a remediation plan relating to an application for a Good Samaritan discharge permit under paragraph (3)(B) for the remediation of the mine site.

''(ii) EXCLUSIONS.—The term 'inactive or abandoned mine site' does not include a mine site (including associated facilities) that is—

''(I) in a temporary shutdown;

''(II) included on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); or

''(III) the subject of an ongoing or planned remedial action carried out in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(G) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(H) PERMITTEE.—The term 'permittee' means a person that is issued a Good Samaritan discharge permit under this subsection.

''(I) PERMITTING AUTHORITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'permitting authority' means the Administrator.

''(ii) EXCEPTION.—In the case of a State or Indian tribe with an approved permitting program under paragraph (2)(B), the term 'permitting authority' means the head of the permitting program of the State or Indian tribe.

''(J) PERSON.—The term 'person' includes—

''(i) an individual;

''(ii) a firm;

''(iii) a corporation;

''(iv) an association;

''(v) a partnership;

''(vi) a consortium;

''(vii) a joint venture;

''(viii) a commercial entity;

''(ix) a nonprofit organization;

''(x) the Federal Government;

''(xi) a State (including a political subdivision of a State);

''(xii) an interstate entity;

''(xiii) a commission; and

''(xiv) an Indian tribe.

''(2) GOOD SAMARITAN DISCHARGE PERMITS.—

''(A) IN GENERAL.—A permitting authority may issue a Good Samaritan discharge permit to an eligible applicant in concurrence, if applicable, with—

''(i) the State in which the proposed inactive or abandoned mine site remediation project is located; or

''(ii) the Federal agency or Indian tribe that owns or has jurisdiction over the site at which the proposed inactive or abandoned mine site remediation project is located.

''(B) STATE OR TRIBAL PROGRAMS.—The Administrator shall approve a State or tribal program for the issuance of Good Samaritan discharge permits if—

''(i) the State or Indian tribe has, as of the date of enactment of this subsection, authority to issue a permit under subsection (b); and

''(ii) the State or Indian tribe requests such authority.

''(3) PERMIT PROCESS.—

''(A) SCOPE.—An eligible applicant may apply for a Good Samaritan discharge permit to conduct remediation activities at any inactive or abandoned mine site from which there is, or may be, a discharge or a threatened discharge of pollutants into any water of the United States.

''(B) REMEDIATION PLAN.—To apply for a Good Samaritan discharge permit under subparagraph (A), an eligible applicant shall submit to the permitting authority an application that contains a remediation plan that, to the extent known by the eligible applicant as of the date on which the application is submitted, contains—

''(i) an identification of—

''(I) the eligible applicant (including any cooperating person) with respect to the remediation plan;

''(II) the mine site that is the subject of the remediation plan (including such documentation as the permitting authority determines to be sufficient to demonstrate to the permitting authority that the mine site is an inactive or abandoned mine site); and

''(III) each body of water of the United States that is affected by actual or threatened discharges from the inactive or abandoned mine site;

''(ii) a description of—

''(I) the baseline conditions of each body of water described in clause (i)(III) as of the date on which the eligible applicant submits the application, including—

''(aa) the nature and extent of any adverse impact on the quality of each body of water caused by the drainage of historic mine residue or other discharges from the inactive or abandoned mine site; and

''(bb) as applicable, the level of any pollutant in each body of water that has resulted in an adverse impact described in item (aa);

''(II) the conditions of the inactive or abandoned mine site that cause adverse impacts to the quality of each body of water described in clause (i)(III);

''(III) the reasonable efforts taken by the eligible applicant to identify identifiable owners or operators of the inactive or abandoned mine site that is the subject of the application;

''(IV) each remediation goal and objective proposed by the eligible applicant, including—

''(aa) each pollutant to be addressed by the remediation plan; and

''(bb) each action that the eligible applicant proposes to take that, to the maximum extent reasonable and practicable under the circumstances, will assist in the attainment of each applicable water quality standard;

''(V) the practices (including a schedule and estimated completion date for the implementation of each practice) that are proposed by the eligible applicant to meet each remediation goal and objective described in subclause (IV), including—

''(aa) in the case of a new remediation project, the preliminary system design and construction, operation, and maintenance plans relating to the new remediation project; and

''(bb) in the case of an existing remediation project, available system design and construction, operation, and maintenance plans and any planned improvements with respect to the existing remediation project;

''(VI) any proposed recycling or reprocessing of historic mine residue to be conducted by the eligible applicant (including a description of how each proposed recycling or reprocessing activity relates to the remediation of an inactive or abandoned mine site);

''(VII) the monitoring or other forms of assessment that will be undertaken by the eligible applicant to evaluate the success of the practices described in subclause (V) during and after the implementation of the remediation plan, with respect to the baseline conditions;

''(VIII) each contingency plan that is designed for responding to unplanned adverse events (including the practices to be implemented to achieve each remediation goal and objective described in subclause (IV));

''(IX) the legal authority of the eligible applicant to enter, and conduct activities at, the inactive or abandoned mine site that is the subject of the remediation plan; and

''(X) any public outreach activity to be conducted by the eligible applicant;

''(iii) an explanation of the manner by which the practices described in clause (ii)(V) are expected to achieve each remediation goal and objective described in clause (ii)(IV);

''(iv) a schedule for the periodic reporting by the eligible applicant with respect to any progress in implementing the remediation plan;

''(v) a budget for the remediation plan that includes a description of each funding source that will support the implementation of the remediation plan, including—

''(I) each practice described in clause (ii)(VIII);

''(II) each action described in clause (ii)(IV)(bb); and

''(III) each monitoring or other appropriate activity described in clause (ii)(VII); and

''(vi) any other additional information requested by the Administrator to clarify the remediation plan and each proposed activity covered by the remediation plan.

''(C) CERTIFICATION OF PLAN.—An application for a Good Samaritan discharge permit submitted by an eligible applicant to a permitting authority under subparagraph (B) shall be signed and certified in a manner consistent with section 122.22 of title 40, Code of Federal Regulations.

''(D) INVESTIGATIVE MEASURES.—

''(i) IN GENERAL.—A Good Samaritan discharge permit may include a program of investigative measures to be completed prior to the remediation of the inactive or abandoned mine site that is the subject of the permit if the permitting authority, upon the receipt of the application of an eligible applicant for a Good Samaritan discharge permit, determines the program of investigative measures to be appropriate.

''(ii) PROGRAM REQUIREMENTS.—Any water sampling included in the program of investigative measures described in clause (i) shall be conducted by an eligible applicant in accordance with any applicable method described in part 136 of title 40, Code of Federal Regulations.

''(iii) REQUIREMENTS RELATING TO SAMPLES.—In conducting a program of investigative measures described in clause (i), an eligible applicant shall—

''(I) ensure that each sample collected under the program is representative of the conditions present at the inactive or abandoned mine site that is the subject of the program; and

''(II) retain records of all sampling events for a period of not less than 3 years.

''(iv) INITIAL PLAN.—

''(I) IN GENERAL.—If an eligible applicant proposes to conduct a program of investigative measures, the eligible applicant shall submit to the permitting authority a plan that contains, to the extent known by the eligible applicant as of the date on which the eligible applicant submits the application—

''(aa) each description required under subclauses (I), (II), and (IV) through (VIII) of subparagraph (B)(ii);

''(bb) the explanation required under subparagraph (B)(iii);

''(cc) the schedule required under subparagraph (B)(iv); and

''(dd) the budget required under subparagraph (B)(v).

''(II) RESPONSIBILITY TO SUPPLEMENT DESCRIPTIONS.—An eligible applicant that conducts a program of investigative measures shall, based on the results of the program, supplement each item described in subclause (I), as necessary.

''(v) REPORT OF RESULTS.—The results of the program of investigative measures shall be—

''(I) detailed in a report for the permitting agency; and

''(II) made available by the applicant to any member of the public that requests the report.

''(vi) PERMIT MODIFICATION.—Based upon the results of the investigative measures, a Good Samaritan discharge permit may be modified pursuant to the permit procedures described in this subsection.

''(vii) OPTION TO DECLINE REMEDIATION.—A Good Samaritan discharge permit may allow the permittee to decline to undertake remediation based on the results of the investigative sampling program, if—

''(I) the program of investigative measures is authorized under this subparagraph; and

''(II) the activities under the program of investigative measures have not resulted in surface water quality conditions, taken as a whole, that are worse than the baseline condition of bodies of water described in subparagraph (B)(ii)(I).

''(E) REVIEW OF APPLICATION.—

''(i) INITIAL REVIEW.—The permitting authority shall—

''(I) review each application submitted by an eligible applicant for a Good Samaritan discharge permit;

''(II) provide to the public, with respect to the Good Samaritan discharge permit—

''(aa) notice and a reasonable opportunity to comment; and

''(bb) a public hearing;

''(III) if the Administrator is the permitting authority, provide a copy of the application to each affected State, Indian tribe, and other Federal agency; and

''(IV) determine whether the application for the Good Samaritan discharge permit meets each requirement described in subparagraph (B).

''(ii) REQUIREMENTS NOT MET.—If the permitting authority determines that an application for a Good Samaritan discharge permit does not meet each requirement described in subparagraph (B), the permitting authority shall—

''(I) notify the eligible applicant that the application is disapproved and explain the reasons for the disapproval; and

''(II) allow the eligible applicant to submit a revised application.

''(iii) REQUIREMENTS MET.—If the permitting authority determines that an application for a Good Samaritan discharge permit meets each requirement described in subparagraph (B), the permitting authority shall notify the eligible applicant that the application is accepted.

''(F) PERMIT ISSUANCE.—After notice and opportunity for public comment with respect to a Good Samaritan discharge permit proposed by a permitting authority to be issued under this subsection (including any additional requirement that the permitting authority determines would facilitate the implementation of this subsection), the permitting authority may issue a permit to an eligible applicant if—

''(i) the permitting authority determines that—

''(I) relative to the resources identified by the eligible applicant for funding the proposed remediation activity, the eligible applicant has made a reasonable effort to identify identifiable owners or operators under subparagraph (B)(ii)(III);

''(II) no identifiable owner or operator exists (except, with respect to Federal land, where the only identifiable owner or operator is the Federal Government);

''(III) taking into consideration each funding source (including the amount of each funding source) identified by the eligible applicant for the proposed remediation activity in accordance with subparagraph (B)(v), the remediation plan of the eligible applicant demonstrates that the implementation of the remediation plan will—

''(aa) assist in the attainment of applicable water quality standards to the extent reasonable and practicable under the circumstances; and

''(bb) not result in water quality that is worse than the baseline water condition described in subparagraph (B)(ii)(I);

''(IV) the eligible applicant has provided adequate evidence of financial resources that will enable the eligible applicant to complete the proposed project of the eligible applicant; and

''(V) the proposed project of the eligible applicant meets the requirements of this section;

''(ii) any Federal, State, or tribal land management agency with jurisdiction over any inactive or abandoned mine site that is the subject of the proposed permit, or any public trustee for natural resources affected by historic mine residue associated with any inactive or abandoned mine site that is the subject of the proposed permit, does not object to the issuance of the permit; and

''(iii) if the Administrator is the permitting authority, the affected State or Indian tribe concurs with the issuance of the permit.

''(G) DEADLINE RELATING TO APPROVAL OR DENIAL OF APPLICATION.—Not later than 180 days after the date of receipt by a permitting authority of an application for a Good Samaritan discharge permit that the permitting authority determines to be complete, the permitting authority shall—

''(i) issue to the eligible applicant a Good Samaritan discharge permit; or

''(ii) deny the application of the eligible applicant for a Good Samaritan discharge permit.

''(H) MODIFICATION OF PERMIT.—

''(i) APPROVAL AND DISAPPROVAL PROCESS.—In accordance with clause (ii), after the date of receipt by a permitting authority of a written request by a permittee to modify the Good Samaritan discharge permit of the permittee, the permitting authority shall approve or disapprove the request for modification.

''(ii) PERMIT MODIFICATION.—A permit modification that is approved by a permitting authority under this subparagraph shall be—

''(I) by agreement between the permittee and the permitting authority and, if the Administrator is the permitting authority, the affected State or Indian tribe;

''(II) subject to—

''(aa) a period of public notice and comment; and

''(bb) a public hearing;

''(III) in compliance with each standard described in subparagraph (F)(i)(III); and

''(IV) immediately reflected in, and applicable to, the Good Samaritan discharge permit.

''(4) CONTENTS OF PERMITS.—

''(A) IN GENERAL.—A Good Samaritan discharge permit shall—

''(i) contain—

''(I) a remediation plan approved by the permitting authority; and

''(II) any additional requirement that the permitting authority establishes by regulation under paragraph (10); and

''(ii) provide for compliance with, and implementation of, the remediation plan and any additional requirement described in clause (i)(II).

''(B) SCOPE.—A Good Samaritan discharge permit shall authorize only those activities that are required for the remediation of historic mine residue at an inactive or abandoned mine site, as determined by the permitting authority.

''(C) REVIEW.—A Good Samaritan discharge permit shall contain a schedule for review, to be conducted by the permitting authority, to determine compliance by the permittee with each condition and limitation of the permit.

''(5) EFFECT OF PERMIT COMPLIANCE.—

''(A) COMPLIANCE WITH ACT.—

''(i) IN GENERAL.—A Good Samaritan discharge permit issued under this subsection shall authorize the permittee, and any cooperating persons, to carry out each activity described in the Good Samaritan discharge permit.

''(ii) COMPLIANCE WITH PERMIT.—Compliance by the permittee, and any cooperating persons, with respect to the Good Samaritan discharge permit shall constitute compliance with this Act.

''(B) SCOPE OF LIABILITY.—Except as provided in paragraph (6), the issuance of a Good Samaritan discharge permit to a permittee relieves the permittee, and any cooperating person, of each obligation and liability under this Act.

''(6) FAILURE TO COMPLY.—If a permittee, or any cooperating person fails to comply with any condition or limitation of the permit, the permittee, or cooperating person, shall be subject to liability only under section 309.

''(7) TERMINATION OF PERMIT.—

''(A) IN GENERAL.—A permitting authority shall terminate a Good Samaritan discharge permit if—

''(i) the permittee successfully completes the implementation of the remediation plan; or

''(ii)(I) any discharge covered by the Good Samaritan discharge permit becomes subject to a permit issued for other development that is not part of the implementation of the remediation plan;

''(II) the permittee seeking termination of coverage, and any cooperating person with respect to the remediation plan of the permittee, is not a participant in the development; and

''(III) the permitting authority, upon request of the permittee, agrees that the permit should be terminated.

''(B) UNFORSEEN CIRCUMSTANCES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the permitting authority, in cooperation with the permittee, shall seek to modify a Good Samaritan discharge permit to take into account any event or condition encountered by the permittee if the event or condition encountered by the permittee—

''(I) significantly reduces the feasibility, or significantly increases the cost, of completing the remediation project that is the subject of the Good Samaritan discharge permit;

''(II) was not—

''(aa) contemplated by the permittee; or

''(bb) taken into account in the remediation plan of the permittee; and

''(III) is beyond the control of the permittee, as determined by the permitting authority.

''(ii) EXCEPTION.—If a permittee described in clause (i) does not agree to a modification of the Good Samaritan discharge permit of the permittee, or the permitting authority determines that remediation activities conducted by the permittee pursuant to the permit have resulted or will result in surface water quality conditions that, taken as a whole, are or will be worse than the baseline water conditions described in paragraph (3)(B)(ii)(I), the permitting authority shall terminate the permit.

''(C) NO ENFORCEMENT LIABILITY.—

''(i) DISCHARGES.—Subject to clause (ii), and except as provided in clause (iii), the permittee of a permit, or a cooperating person with respect to the remediation plan of the permittee, shall not be subject to enforcement under any provision of this Act for liability for any past, present, or future discharges at or from the abandoned or inactive mining site that is the subject of the permit.

''(ii) OTHER PARTIES.—Clause (i) does not limit the liability of any person that is not described in clause (i).

''(iii) VIOLATION OF PERMIT PRIOR TO TERMINATION.—The discharge of liability for a permittee of a permit, or a cooperating person with respect to the remediation plan of the permittee, under clause (i) shall not apply with respect to any violation of the permit that occurs before the date on which the permit is terminated.

''(8) LIMITATIONS.—

''(A) EMERGENCY POWERS.—Nothing in this subsection limits the authority of the Administrator to exercise any emergency power under section 504 with respect to persons other than a permittee and any cooperating persons.

''(B) PRIOR VIOLATIONS.—

''(i) ACTIONS AND RELIEF.—Except as provided in clause (ii), with respect to a violation of this subsection or section 301(a) committed by any person prior to the issuance of a Good Samaritan discharge permit under this subsection, the issuance of the Good Samaritan discharge permit does not preclude any enforcement action under section 309.

''(ii) EXCEPTIONS.—

''(I) SCOPE OF PERMIT.—If a Good Samaritan discharge permit covers remediation activities carried out by the permittee on a date before the issuance of the Good Samaritan discharge permit, clause (i) shall not apply to any action that is based on any condition that results from the remediation activities.

''(II) OTHER PARTIES.—A permittee shall not be subject to any action under sections 309 or 505 for any violation committed by any other party.

''(C) OBLIGATIONS OF STATES AND INDIAN TRIBES.—Except as otherwise provided in this section, nothing in this subsection limits any obligation of a State or Indian tribe described in section 303.

''(D) OTHER DEVELOPMENT.—

''(i) IN GENERAL.—Any development of an inactive or abandoned mine site (including any activity relating to mineral exploration, processing, beneficiation, or mining), including development by a permittee or any cooperating person, not authorized in a permit issued by the permitting authority under this subsection shall be subject to this Act.

''(ii) COMMINGLING OF DISCHARGES.—The commingling of any other discharge or water with any discharge or water subject to a Good Samaritan discharge permit issued under this subsection shall not limit or reduce the liability of any person associated with the water or discharge that is not subject to the Good Samaritan discharge permit.

''(E) RECOVERABLE VALUE.—A Good Samaritan to whom a permit is issued may sell or use materials recovered during the implementation of the plan only if the proceeds of any such sale are used to defray the costs of—

''(i) remediation of the site addressed in the permit; or

''(ii) voluntary remediation of any other inactive or abandoned mine site covered by a permit issued under this section.

''(F) STATE CERTIFICATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), to the extent that this subsection relates to water quality standards, certification under section 401 shall not apply to any Good Samaritan discharge permit issued under this subsection.

''(ii) EXCEPTION.—In any case in which certification under section 401 would otherwise be required, no Good Samaritan discharge permit shall be issued by a permitting authority under this subsection without the concurrence of—

''(I) the State in which the site of the discharge is located; or

''(II) the Indian tribe that owns or has jurisdiction over the site on which a remediation project is proposed.

''(G) STATE AND TRIBAL RECLAMATION PROGRAMS.—No State, Indian tribe, or other person shall be required to obtain a Good Samaritan discharge permit pursuant to this subsection for any discharge, including any discharge associated with the remediation of an inactive or abandoned mine site with respect to the conduct of reclamation work under a State or tribal abandoned mine reclamation plan approved under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

''(9) LIABILITY OF OTHER PARTIES.—Nothing in this subsection (including any result caused by any action taken by a permittee or a cooperating person) limits the liability of any person other than a permittee or a cooperating person under this Act or any other law.

''(10) REGULATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 1 year after the date of enactment of this subsection, after providing for public notice and an opportunity to comment and a public hearing, the Administrator, in consultation with the Secretary of the Interior and the Secretary of Agriculture, and appropriate State, tribal, and local officials, shall promulgate regulations to establish—

''(i) generally applicable requirements for remediation plans described in paragraph (3)(B); and

''(ii) any other requirement that the Administrator determines to be necessary.

''(B) SPECIFIC REQUIREMENTS BEFORE PROMULGATION OF REGULATIONS.—Before the date on which the Administrator promulgates regulations under subparagraph (A), a permitting authority may establish, on a case-by-case basis, specific requirements that the permitting authority determines would facilitate the implementation of this subsection with respect to a Good Samaritan discharge permit issued to a permittee.

''(11) FUNDING.—

''(A) ELIGIBILITY FOR SECTION 319 GRANTS.—A permittee shall be eligible to apply for a grant under section 319(h).

''(B) GRANTS.—Subject to the availability of appropriated funds, the Administrator may award to any permittee a grant to assist the permittee in implementing a remediation plan with respect to a Good Samaritan discharge permit of the permittee.

''(12) REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not later than 1 year before the date of termination of the authority of the permitting authority under paragraph (13), the Administrator shall submit to Congress a report describing the activities authorized by this subsection.

''(B) CONTENTS.—The report required under subparagraph (A) shall contain, at a minimum—

''(i) a description of—

''(I) each Good Samaritan discharge permit issued under this subsection;

''(II) each permittee;

''(III) each inactive or abandoned mine site addressed by a Good Samaritan discharge permit issued under this subsection (including each body of water and the baseline water quality of each body of water affected by each inactive or abandoned mine site);

''(IV) the status of the implementation of each remediation plan associated with each Good Samaritan discharge permit issued under this subsection (including specific progress that each remediation activity conducted by a permittee pursuant to each Good Samaritan discharge permit has made toward achieving the goals and objectives of the remediation plan); and

''(V) each enforcement action taken by the Administrator or applicable State or Indian tribe concerning a Good Samaritan discharge permit issued under this subsection (including the disposition of the action);

''(ii) a summary of each remediation plan associated with a Good Samaritan discharge permit issued under this subsection, including—

''(I) the goals and objectives of the remediation plan;

''(II) the budget of the activities conducted pursuant to the remediation plan; and

''(III) the practices to be employed by each permittee in accordance with the remediation plan of the permittee to reduce, control, mitigate, or eliminate adverse impacts to the quality of applicable bodies of water; and

''(iii) any recommendations that may be proposed by the Administrator to modify any law (including this subsection and any regulation promulgated under paragraph (10)) to facilitate the improvement of water quality through the remediation of inactive or abandoned mine sites.

''(13) TERMINATION OF AUTHORITY.—The authority granted to the permitting authority under this subsection to issue Good Samaritan discharge permits terminates on the date that is 10 years after the date of enactment of this subsection.

''(14) SEVERABILITY.—If any provision of this subsection, or the application of any provision of this subsection to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this subsection, shall not be affected thereby.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 311—ENCOURAGING THE UNITED STATES TRADE REPRESENTATIVE TO PURSUE A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

Mr. LUGAR (for himself, Mr. INHOFE, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 311

Whereas the Association of Southeast Asian Nations (ASEAN) was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore, and Thailand being original Members;

Whereas ASEAN membership has now expanded and includes 10 countries;

Whereas the United States supports the centrality of ASEAN within East Asia;

Whereas the United States was the first country to appoint an Ambassador to the Association of Southeast Asian Nations;

Whereas ASEAN significantly contributes to regional stability in East Asia;

Whereas approximately 40,000 students from ASEAN are studying in the United States and an increasing number of Americans are studying in ASEAN countries;

Whereas ASEAN partners with the United States Government to combat global terror;

Whereas the United States acceded to the Treaty of Amity and Cooperation in 2009;

Whereas ASEAN constitutes the fourth largest market for United States exports;

Whereas ASEAN has a population of approximately 560,000,000 persons;

Whereas two-way, United States-ASEAN trade totals approximately $180,000,000,000 annually;

Whereas the nations of ASEAN are increasingly economically integrated;

Whereas ASEAN has entered into free trade agreements with India, China, Japan, South Korea, Australia, and New Zealand; and

Whereas the United States and ASEAN signed a Trade and Investment Framework Agreement over three years ago: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative, in consultation with other appropriate Federal agencies and interested stakeholders, should establish a strategy for initiating negotiations for a free trade agreement between the United States and ASEAN; and

(2) at the time of free trade agreement negotiations, any pending bilateral issues between the United States and Burma, including economic sanctions, investment prohibition, travel restrictions or otherwise, should not deter the United States from engaging with other ASEAN nations regarding a potential free trade agreement, nor should the United States encourage trade with Burma, absent significant reforms within that country.

SENATE RESOLUTION 312—EXPRESSING THE SENSE OF THE SENATE ON EMPOWERING AND STRENGTHENING THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID)

Mr. DODD (for himself, Mr. DURBIN, Mr. CARDIN, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 312

Whereas foreign development assistance is an important foreign policy tool in addition to diplomacy and the military;

Whereas the United States is currently involved in two wars, both of which military and civilian experts agree can only be solved with sound development strategies to complement military efforts;

Whereas development assistance is part of any comprehensive United States response to regional conflicts, terrorist threats, weapons proliferation, disease pandemics, and persistent widespread poverty;

Whereas, in 2002 and 2006, the United States National Security Strategy included global development, along with the military and diplomacy, as the three pillars of national security;

Whereas, in its early years, the United States Agency for International Development (USAID) had more than 5,000 full-time Foreign Service Officers and 15,000 total staff;

Whereas, in 2008, USAID had slightly more than 1,000 full-time Foreign Service Officers and 3,000 total staff;

Whereas the loss in permanent staff and institutional expertise at USAID has compelled it to rely disproportionally on outside contractors to help manage programs in more than 150 countries;

Whereas the USAID managed program budget, calculated in real dollars, has dropped more than 40 percent since 1985;

Whereas, from the early 1960s until 1992, the Office of Management and Budget enforced a rule mandating that all foreign aid programs and spending must go through USAID, except when USAID chose to contract with other Federal agencies;

Whereas today more than half of all aid programs are administered by Federal agencies other than USAID, and development funding is spread across more than 20 United States Government agencies; and

Whereas this decline in personnel, budgets, and coordinating leadership has diminished the capacity of USAID and the United States Government to provide development assistance and implement foreign assistance programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) a highly capable and knowledgeable individual should be nominated with all expediency and exigency to serve as the Administrator of the United States Agency for International Development;

(2) the Administrator should—

(A) serve as the chief advocate for United States development capacity and strategy in top-level national security deliberations;

(B) serve as a powerful advocate and effective leader of an empowered USAID; and

(C) marshal the resources, knowledge, capacity, and experiences of the Agency—

(i) to effectively represent the Agency in interagency debate and in advancing and executing foreign policy; and

(ii) to improve ultimately the effectiveness and capability of United States foreign assistance;

(3) the United States Agency for International Development must be empowered to be the primary development agency of the United States and to serve as the principal advisor to the President and national security organs of the United States Government on the capacity and strategy of United States development assistance;

(4) the Administrator should substantially and transparently increase the total number of full-time Foreign Service Officers employed by the Agency in order to enhance the ability of the Agency to—

(A) carry out development activities around the world by providing the Agency with additional human resources and expertise needed to meet important development and humanitarian needs around the world;

(B) strengthen the institutional capacity of the Agency as the lead development agency of the United States; and

(C) more effectively help developing nations to become more stable, healthy, democratic, prosperous, and self-sufficient; and

(5) the Administrator should submit a strategy to Congress that includes—

(A) a plan to create a professional training program that will provide new and current Agency employees with technical, management, leadership, and language skills;

(B) a 5-year staffing plan; and

(C) a description of further resources and statutory changes necessary to implement the proposed training and staffing plans.

Mr. DODD. Mr. President, I rise today to submit a resolution on behalf of myself, Senator DURBIN and Senator, CARDIN, aimed at putting the Senate on the record in support of empowering and strengthening the U.S. Agency for International Development. This is a simple and straightforward resolution, but I believe it speaks volumes about the current situation of U.S. overseas development policy.

USAID has been without an administrator for nearly 10 months. It is critical that this position is swiftly filled by an individual who can serve as a strong advocate for the agency in national security and foreign policy deliberations within the U.S. Government. The Administrator must also work urgently to strengthen, empower and revitalize the agency itself. This essential position must be filled if the U.S. is to take on the myriad of foreign policy challenges that exist in a holistic and sustainable manner—because for nearly all of the challenges we face as a Nation, development will play a key role in helping us solve them.

This resolution also recognizes the tremendously important role development plays in foreign policy, and puts the Senate on record as supporting an empowered USAID. I believe USAID should be a strong and independent voice in high-level U.S. foreign policy debates. If U.S. development policy and, by extension, U.S. foreign policy, is to succeed in the long run, USAID must be an independent body that can advocate for what it knows best—how to effectively deliver and implement U.S. foreign assistance, at the highest level. It must have a serious seat at the table. Our foreign policy will neither be comprehensive nor sufficient to meet the challenges of the 21st century, without serious and unbiased input from America's development experts.

Finally, this resolution recognizes that USAID must be empowered to fulfill its mandate with a robust staff that understands both the needs of the international community as well as the strategic value of development.

It has long been understood that international development is a critically important aspect of our foreign policy. It is high time we matched this reality with a real and meaningful commitment. I encourage my colleagues to join me in supporting this important resolution to empower and improve USAID.

SENATE RESOLUTION 313—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK, 2009

Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MENENDEZ, Mr. CRAPO, and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 36 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2009;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2676. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2677. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2678. Ms. SNOWE (for herself, Mr. KERRY, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2679. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2680. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2681. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2682. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2683. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2686. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2687. Ms. MIKULSKI (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R.

2847, supra; which was ordered to lie on the table.

SA 2688. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2689. Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. CRAPO, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2690. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2676. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) PROHIBITION ON USE OF FUNDS FOR TRANSFER OF GUANTANAMO BAY DETAINEES TO UNITED STATES.—None of the funds appropriated or otherwise made available by this Act or any Act enacted before the date of the enactment of this Act may be used for the purposes of releasing into, or detaining or prosecuting in, the continental United States, Alaska, Hawaii, or the District of Columbia any individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba.

(b) LIMITATION ON USE OF FUNDS FOR OTHER TRANSFER OF GUANTANAMO BAY DETAINEES.—None of the funds appropriated or otherwise made available by this Act or any Act enacted before the date of the enactment of this 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 any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days before such transfer or release, a report setting forth the following information:

(1) The name of the individual to be so transferred or released and the country to which the 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 Forces of the United States, that is posed by such transfer or release, and a description of the actions to be taken to mitigate such risk.

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

SA 2677. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 21, strike ''section.'' and insert ''section, including an assessment of actions that would improve the development and interdepartmental coordination of the policies of the United States under the United States–Canada Transboundary Resource Sharing Understanding for shared groundfish stocks.''.

SA 2678. Ms. SNOWE (for herself, Mr. KERRY, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 21, strike ''section.'' and insert ''section: *Provided further*, That no later than 60 days after the date of enactment of this Act the Secretary submits to the Senate Committee on Commerce, Science, and Transportation specific recommendations for legislative and diplomatic actions to improve coordinated management of shared groundfish stocks under the United States–Canada Transboundary Resource Sharing Understanding to enhance management and utilization of resources by both countries.''.

SA 2679. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

SEC. 111. (a) REPORT ON EXPORT ASSISTANCE TO SMALL- AND MEDIUM-SIZED BUSINESSES.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report on—

(1) the status of the current programs of the Department of Commerce to provide assistance to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods produced in the United States to emerging markets, including the People's Republic of China, Brazil, and India; and

(2) the feasibility of providing additional assistance to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods produced in the United States to emerging markets.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an assessment of the ability of the Department of Commerce—

(A) to provide assistance to small- and medium-sized businesses in the United States in—

(i) finding and utilizing Federal and private resources to facilitate the exportation of goods produced in the United States to emerging markets;

(ii) establishing and maintaining continuous direct and personal contact with other businesses that have entered into emerging markets;

(iii) resolving disputes with the Government of the United States or the governments of emerging markets relating to intellectual property rights violations or import or export restrictions or other trade barriers; and

(iv) the consolidation of fees charged by the Department for Gold Key Matching Services provided for businesses that export goods or services produced in the United States to more than one market; and

(B) to locate and recruit businesses to enter the emerging markets;

(C) to develop and implement trade missions to emerging markets;

(2) recommendations with respect to additional assistance that the Department could provide to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods to emerging markets; and

(3) an estimate of—

(A) the cost of any such additional assistance;

(B) the number of additional personnel required to carry out such assistance; and

(C) the cost of consolidating or reducing fees under paragraph (1)(A)(iv).

SA 2680. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, line 25, before the period insert ''and an additional amount of $50,000,000 offset by a reduction in funding for the Federal Detention Trustee provided in this Act by the same amount''.

SA 2681. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

SEC. 533. LIMITATION ON USE OF FUNDS TO MOVE THE MARINE OPERATIONS CENTER–PACIFIC.

No funds appropriated or otherwise made available by this Act may be used to move the Marine Operations Center–Pacific more than 150 miles from where it was located on the day before the date of the enactment of this Act until the Comptroller General of the United States completes its review of the protest filed by the Port of Bellingham and 1801 Fairview Avenue East LLC.

SA 2682. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

SEC. 220. Not later than 60 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly prepare and submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on

Homeland Security of the House of Representatives. The report required under this section shall include—

(1) an explicit plan establishing specific and detailed milestones for accomplishing the joint investment and infrastructure sharing goals of the Integrated Wireless Network funded in this title under the heading ''Tactical Law enforcement Wireless Communications'', with dates for the planned completion of such goals and the funds linked to achieving those milestones;

(2) a description of the technical standards and logical integration points between the law enforcement and emergency communications systems of the Department of Justice, the Department of Homeland Security, and the Department of the Treasury needed to support and achieve interoperability between the respective communications systems when interoperability is required for tactical reasons or emergency situations; and

(3) an explanation of how the Integrated Wireless Network concept will promote interoperability with other federal departments and State and local governments, including an explanation of how an Integrated Wireless Network will be included in the framework of the Emergency Communications Preparedness Center.

SA 2683. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of transferring to, releasing into, or detaining or prosecuting in the continental United States, Alaska, Hawaii, or the District of Columbia any individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba.

SA 2684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds made available in this Act for the Department of Justice may be used by any office within the Department of Justice for any anonymous public relations activity, including publishing articles or comments online on any website, weblog or blog, newspapers, or any other social media site, absent a statement identifying the author as an employee of the Department of Justice and that taxpayer dollars were used to fund the post.

(b) In this section, the term ''public relations activity'' does not include clandestine activities of any Department of Justice components operating under the direction of the Intelligence Community or as part of an ongoing and active investigation.

SA 2685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

SEC. 220. (a) For an additional amount for the Executive Office for Immigration Review $2,000,000, to remain available until expended, to carry out the Legal Orientation Program of the Office.

(b) All amount appropriated under this Act, except for amounts appropriated for the Executive Office for Immigration Review, shall be reduced on a pro rata basis by the amount necessary to reduce the total amount appropriated under this Act, except for amounts appropriated for the Executive Office of Immigration of Review in this title under the heading ''ADMINISTRATIVE REVIEW AND APPEALS'' by $2,000,000.

SA 2686. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, line 7, strike ''activities.'' and insert ''activities: *Provided further,* That none of the funds provided in this or any other Act for any fiscal year for the collection of census data may be used to ask questions that the Secretary of Commerce determines would inhibit the ability of the Bureau of the Census to comply with its constitutional mandate to count the whole number of persons residing in each State.''.

SA 2687. Ms. MIKULSKI (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal eyar ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADMISSION OF NONIMMIGRANT NURSES.

(a) 3-YEAR EXTENSION FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 2(e)(2) of the Nursing Relief for Disadvantaged Areas Act of 1999 (8 U.S.C. 1182 note) is amended by striking ''3 years'' and inserting ''6 years''.

(b) NURSE SHORTAGE FEE.—Section 212(m)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(2)) is amended by adding at the end the following:

''(G)(i) In addition to the fee authorized under subparagraph (F), the Secretary of Labor shall impose a filing fee of $1,000 on each petitioning employer who uses a visa under subparagraph (A).

''(ii) Fees collected under this subparagraph shall be deposited as offsetting receipts in a fund established in the Treasury of the United States to support the Nurse Faculty Loan Program authorized under section 846A of the Public Health Service Act (42 U.S.C. 297n–1).

''(iii) No fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services under section 332 of the Public Health Service Act (42 U.S.C. 254e)''.

SA 2688. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

SEC. 533. LIMITATION ON USE OF FUNDS TO MOVE THE MARINE OPERATIONS CENTER–PACIFIC.

No funds appropriated or otherwise made available by this Act may be used to move the Marine Operations Center-Pacific more than 150 miles from where it was located on the day before the date of the enactment of this Act.

SA 2689. Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. CRAPO, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, line 14, before the period at the end, insert '': *Provided further,* That the funds appropriated by this Act for trade adjustment assistance for communities shall not be allocated among the regional offices of the Economic Development Administration until such time as 50 percent of the total amount of the funds appropriated for that purpose by the Supplemental Appropriations Act, 2009 (Public Law 111–32), or 50 percent of the funds allocated to any individual regional office, have been distributed to grantees: *Provided further,* That the Secretary of Commerce shall reevaluate the spending plan for trade adjustment assistance based on up-to-date economic data before allocating those funds among the regional offices''.

SA 2690. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

SEC. 111. (a) The amount made available in this title for the National Marine Fisheries Service under the heading ''OPERATIONS, RESEARCH, AND FACILITIES'' is hereby reduced by $8,000,000.

(b) None of funds made available in this Act may be used for activities related to Atlantic salmon.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, October 21, 2009, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the costs and benefits for energy consumers and energy prices associated with the allocation of greenhouse gas emission allowances.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224–6722 or Gina Weinstock at (202) 224–5684.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, October 14, 2009, at 11:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 13, 2009, at 10 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 13, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2009 third quarter Mass Mailings is Monday, October 26, 2009. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1016.

The Presiding Officer laid before the Senate a message from the House as follows:

H.R. 1016

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1016) entitled ''An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.'', with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Budget Reform and Transparency Act of 2009''.

SEC. 2. PRESIDENT'S BUDGET SUBMISSION.

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

''(A) Medical Services.

''(B) Medical Support and Compliance.

''(C) Medical Facilities.''.

SEC. 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

''§ 117. Advance appropriations for certain medical care accounts

''(a) IN GENERAL.—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the medical care accounts of the Department shall—

''(1) be made available for that fiscal year; and

''(2) include, for each such account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

''(b) ESTIMATES REQUIRED.—The Secretary shall include in documents submitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

''(c) MEDICAL CARE ACCOUNTS.—For purposes of this section, the term 'medical care accounts of the Department' means the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

''(1) Medical Services.

''(2) Medical Support and Compliance.

''(3) Medical Facilities.

''(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new line:

''117. Advance appropriations for certain medical care accounts.''.

SEC. 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSION IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.

(a) REVIEW OF ACCURACY OF MEDICAL CARE BUDGET SUBMISSION.—The Comptroller General shall conduct a review of each budget of the President for a fiscal year that is submitted to Congress pursuant to section 1105(a) of title 31 in order to assess whether or not the relevant components of the amounts requested in such budget for such fiscal year for the medical care accounts of the Department of Veterans Affairs specified in section 117(c) of title 38, United States Code, as added by section 3, are consistent with estimates of the resources required by the Department for the provision of medical care and services in such fiscal year, as forecast using the Enrollee Health Care Projection Model, or other methodologies used by the Department.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives and to the Secretary a report on the review conducted under subsection (a).

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) An assessment of the review conducted under subsection (a).

(B) The basis for such assessment.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

Mr. AKAKA. Mr. President, I am very pleased that the Senate and House Veterans' Affairs Committees have worked out an agreement on S. 423 and H.R. 1016, the proposed Veterans Health Care Budget Reform and Transparency Act of 2009. With the President's signature, this vital piece of legislation, which I will refer to as the ''Compromise Agreement,'' will authorize, beginning in fiscal year 2011, advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing 2 fiscal year budget authority.

This compromise agreement will provide sufficient, timely, and predictable health care funding to those who have sacrificed a great deal for this Nation. By ensuring advanced appropriations to the medical services, medical support and compliance, and medical facilities accounts, VA will be able to better align its funding cycles and function more effectively.

The VA system has experienced recurrent problems with receiving proper

and timely appropriations. Funds for VA have been appropriated late in 19 of the past 22 years, and in the past 7 years, such appropriations were only received, on average, 3 months after the commencement of the new fiscal year. In testimony provided to the Senate Committee on Veterans' Affairs in conjunction with a hearing in July of 2007, James Dudley, a former director of the Richmond VA Medical Center, wrote that as a VA hospital administrator he dealt with the ''uncertainty of sufficient resources to meet the needs of the veteran population.'' He went on to say that, ''Our primary concern was always quality of care so we delayed maintenance, construction or equipment purchases to ensure that the patients were cared for.''

Also, because of the uncertainty, requests for supplemental appropriations for VA health care have also increased in frequency during recent years. This compromise agreement will represent a step in the right direction, as VA administrators and directors will be able to more efficiently service veterans with adequate and stable funding to the VA health care system.

I recognize mandating a 2-fiscal year budget authority is a serious undertaking, and as such, have worked to have the compromise agreement lead to enhanced oversight of the VA health care budget process. The Comptroller General of the United States will be required to conduct a study of adequacy and accuracy of the budget projections made by VA's enrollee health care projection model or any other model or methodology used to measure health care expenditures, for each fiscal year of the budget request. The Comptroller General's report would be submitted to both the Senate and House Veterans' Affairs Committees no later than 120 days after the date on which the President submits the budget request for the coming fiscal year.

Advanced funding is a concept that has been endorsed by The Partnership for Veterans Health Care Budget Reform, an organization made up of nine major veterans service organizations—The American Legion, American Veterans, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans of the USA, Military Order of the Purple Heart of the USA, Inc., Paralyzed Veterans of America, Veterans of Foreign Wars of the United States, and Vietnam Veterans of America, Inc. It is also endorsed by The Independent Budget; The Military Coalition, an organization of 35 veterans and military service organizations; and the American Federation for Government Employees.

I appreciate the support from our colleagues who have cosponsored this legislation, including Veterans' Affairs Committee members Senators BURR, ROCKEFELLER, MURRAY, SANDERS, BROWN, TESTER, BEGICH, BURRIS, SPECTER, and ISAKSON. I am also grateful to Senator SNOWE for serving as an original cosponsor.

This legislation will allow the government to honor its obligation to provide high quality, consistent, and adequate health care to the Nation's veterans and I am gratified will soon become public law.

I ask unanimous consent that the Explanatory Statement for this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR AKAKA, CHAIRMAN OF THE SENATE COMMITTEE ON VETERANS' AFFAIRS, REGARDING H.R. 1016

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

H.R. 1016, as amended, the ''Veterans Health Care Budget Reform and Transparency Act of 2009,'' reflects a Compromise Agreement reached by the Senate and House Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 1016, as amended (House bill); S. 423 (Senate bill). H.R. 1016, as amended, passed by the House of Representatives on June 23, 2009. The text of S. 423 passed the Senate as a substitute amendment to the House bill on August 6, 2009.

The Committees have prepared the following explanation of H.R. 1016, as further amended to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the Senate Bill and the House Bill are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

SECTION 1. SHORT TITLE

Both the House bill (section 1) and the Senate bill (section 1) would provide the short title as the ''Veterans Health Care Budget Reform and Transparency Act of 2009.''

The Compromise Agreement contains this provision.

SECTION 2. PRESIDENT'S BUDGET SUBMISSION

The House bill (section 3) would amend section 1105 of title 31, United States Code, to require the President to submit information on the estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs.

The Senate bill contains no similar provision.

The Compromise Agreement contains the House provision but modifies it to require information on the estimates for three accounts: the Medical Services, Medical Support and Compliance, and Medical Facilities accounts.

SECTION 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The House bill (section 4) would amend title 38, United States Code, to add a new section providing authority, beginning with fiscal year 2011, for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs. The new section would require the Department of Veterans Affairs to provide additional detailed budget estimates in support of advance appropriations for these accounts in the annual information it provides to Congress in support of the Department's budget request. The House bill would also require a report to be submitted annually to Congress, no later than July 31 of each year, on the sufficiency of the Department's resources for the fiscal year beginning after the date of the submission of the report for the provision of medical care and include estimates of the workload and demand data for that fiscal year.

The Senate bill (section 3) would amend title 38, United States Code, to add a new section providing that, beginning with fiscal year 2011, new discretionary budget authority for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Department of Veterans Affairs, shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such accounts that become available for the first fiscal year after such fiscal year.

The Compromise Agreement contains the House provision modified to include only the three accounts specified in the Senate bill.

SECTION 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSIONS IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.

Both the House bill (section 5) and the Senate bill (section 4) would provide for enhanced oversight of the Department of Veterans Affairs budget process by requiring the Comptroller General to conduct a study of the adequacy and accuracy of baseline model projections for health care expenditures. Both the House bill and Senate bill would require the Comptroller General to submit reports on the dates in 2011, 2012, and 2013 that the President submits a budget request for the next fiscal year, to appropriate Committees of Congress and to the Secretary of Veterans Affairs, containing statements of whether the amounts requested in the budget by the President are consistent with anticipated expenditures for health care in such fiscal year as determined utilizing the Enrollee Health Care Projection Model, its equivalent, or other methodologies.

The Compromise Agreement contains this provision modified to require the annual reports to be submitted not later than 120-days after the submission of the President's budget and to include an assessment of the review conducted by the Comptroller General as to whether or not the relevant components of the budget request are consistent with the estimates of the Department of Veterans Affairs for the provision of medical care and services. The Committees have selected a 120-day deadline to give the Comptroller General sufficient time to review the President's budget following its submission and to, at the very least, inform the deliberations of the House and Senate Appropriations Committees prior to their consideration of VA appropriations bills. However, it is the Committees' desire that, notwithstanding the 120-day deadline, the reports under this section be submitted as quickly as possible after submission of the President's budget request so as to be useful by the Committees in meeting their responsibilities under the Congressional Budget Act of 1974 to provide views and estimates on matters within their jurisdiction to the House and Senate Budget Committees, as well as during deliberation on annual Congressional budget resolutions.

PROVISIONS NOT ADOPTED

Section 2 of the House bill would express the Sense of the Congress that the provision of health care services to veterans could be more effectively and efficiently planned and

managed if funding was provided for the management and provision of such services in the form of advance appropriations.

Section 2 of the Senate amendment expresses Congressional findings which support the need for enactment of advance appropriations for VA medical care.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES SECRET SERVICE UNIFORMED DIVISION MODERNIZATION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 171, S. 1510.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1510) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1510

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 ''United States Secret Service Uniformed Division Modernization Act of 2009''.

SEC. 2. PURPOSE.

The purpose of this Act is to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

SEC. 3. HUMAN RESOURCES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

''Sec.
''10201. Definitions.
''10202. Authorities.
''10203. Basic pay.
''10204. Rate of pay for original appointments.
''10205. Service step adjustments.
''10206. Technician positions.
''10207. Promotions.
''10208. Demotions.
''10209. Clothing allowances.

''§ 10201. Definitions

''In this chapter—

''(1) the term 'member' means an employee of the United States Secret Service Uniformed Division having the authorities described under section 3056A(b) of title 18;

''(2) the term 'Secretary' means the Secretary of the Department of Homeland Security; and

''(3) the term 'United States Secret Service Uniformed Division' has the meaning given that term under section 3056A of title 18.

''§ 10202. Authorities

''(a) IN GENERAL.—The Secretary is authorized to—

''(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

''(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

''(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

''(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

''(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

''(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

''§ 10203. Basic pay

''(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

''Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	$44,000	$46,640	$49,280	$51,920	$54,560	$57,200	$59,840	$62,480	$65,120	$67,760	$70,400	$73,040	$75,680
Sergeant				59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant					69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain						79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector						91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

''(b) SCHEDULE ADJUSTMENT.—

''(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.

''(B) The Secretary may establish a methodology of schedule adjustment that—

''(i) results in uniform fixed-dollar step increments within any given rank; and

''(ii) preserves the established percentage differences among rates of different ranks at the same step position.

''(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

''(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

''§ 10204. Rate of pay for original appointments

''(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

''(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual's superior qualifications or a special need of the Government for the individual's services.

''§ 10205. Service step adjustments

''(a) DEFINITION.—In this section, the term 'calendar week of active service' includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour workweek.

''(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:

''(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member's service step.

''(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks

of active service in the member's service step.

''(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member's service step.

''§ 10206. Technician positions

''(a) IN GENERAL.—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member's scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member's rate of basic pay and the applicable locality-based comparability payment.

''(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

''(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

''(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

''(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

''(A) section 5304; or

''(B) section 7511(a)(4).

''(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

''§ 10207. Promotions

''(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

''(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

''§ 10208. Demotions

''When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

''§ 10209. Clothing allowances

''(a) IN GENERAL.—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not to be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

''(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed $500 per annum.''.

(b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' after the semicolon;

(2) in subparagraph (G), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.''.

(c) SICK LEAVE FOR WORK-RELATED INJURIES AND ILLNESSES.—Section 6324 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''Executive Protective Service force'' and inserting ''United States Secret Service Uniformed Division'';

(2) in subsection (b)(3), by striking ''the Treasury for the Executive Protective Service force'' and inserting ''Homeland Security for the United States Secret Service Uniformed Division''; and

(3) by adding at the end the following:

''(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.''.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) CONVERSION TO NEW SALARY SCHEDULE IN CALENDAR YEAR 2010.—

(1) IN GENERAL.—

(A) RATES OF PAY FIXED.—Effective the first day of the first pay period beginning on or after May 1, 2010, the Secretary shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division, as defined under section 10201 of title 5, United States Code, (as added by section 3(a) of this Act) in accordance with the provisions of this subsection.

(B) RATE BASED ON CREDITABLE SERVICE.—

(i) IN GENERAL.—Each member shall be placed in and receive basic pay at the corresponding scheduled rate under chapter 102 of title 5, United States Code, as added by section 3(a) of this Act (after any adjustment under paragraph (3) of this subsection) in accordance with the member's total years of creditable service, as provided in the table in this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member's rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member's rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11
19	12
22	13

(ii) CREDITABLE SERVICE.—For the purposes of this subsection, a member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Police, or the District of Columbia Metropolitan Police Department.

(iii) STEP 13 CONVERSION MAXIMUM RATE.—

(I) IN GENERAL.—A member who, at the time of conversion, is in step 13 of any rank below Deputy Chief, is entitled to that rate of basic pay which is the greater of—

(aa) the rate of pay for step 13 under the new salary schedule; or

(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

(II) STEP 14 RATE.—Clause (iv) shall apply to a member whose pay is set in accordance with subclause (I)(bb).

(iv) ADJUSTMENT BASED ON FORMER RATE OF PAY.—

(I) DEFINITION.—In this clause, the term ''former rate of basic pay'' means the rate of basic pay last received by a member before the conversion.

(II) IN GENERAL.—If, as a result of conversion to the new salary schedule, the member's former rate of basic pay is greater than the maximum rate of basic pay payable for the rank of the member's position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member's former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the rank of the member's position by 50 percent of the dollar amount of each such increase.

(III) PROMOTIONS.—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by section 3(a) of this Act) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

(2) CREDIT FOR SERVICE.—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 3(a) of this Act) in accordance with this subsection shall be granted credit for purposes of such member's first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member's last increase in basic pay before the adjustment under this section.

(3) ADJUSTMENTS DURING TRANSITION.—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period which begins on the date of enactment of this Act through the day before the effective date of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

(b) IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND DISABILITY SYSTEM.—

(1) SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—

(A) DEEMED INCREASE.—The increases in pay as a result of this Act shall be deemed to be an increase of 2.93 percent in salary of current members for the purposes of section 5–744 or section 5–745 of the District of Columbia Code.

(B) CONVERSION AND INITIAL ADJUSTMENT.—The conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule under section 5–545.01(c) of the District of Columbia Code, and the initial adjustments of rates of basic pay of those positions and individuals in accordance with section 5-561.02(a) of the District of Columbia Code, shall not be treated as an increase in salary for purposes of section 5–744 or section 5–745 of the District of Columbia Code.

(2) TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.—Except as otherwise provided in this Act, nothing in this Act shall affect retirement benefits and pensions of current members and former members who have retired under the District of Columbia Police and Firefighters' Retirement and Disability System.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—To the extent that any provision of the District of Columbia Code that authorizes an entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this Act, such provision shall not apply to such members after the effective date of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO THE DISTRICT OF COLUMBIA CODE.—The District of Columbia Code is amended as follows:

(1) In section 5–521.01, by striking ''the United States Secret Service Uniformed Division,''.

(2) In section 5–521.02, by striking, ''the United States Secret Service Uniformed Division and''.

(3) In section 5–521.03, by striking—

(A) in the section heading ''**United States Secret Service Uniformed Division and**'';

(B) ''the United States Secret Service Uniformed Division and'';

(C) ''the Secretary of the Treasury and''; and

(D) '', respectively''.

(4) In section 5–542.02, by striking ''United States Secret Service Uniformed Division,''.

(5) In section 5–543.01(b), by striking ''the United States Secret Service Uniformed Division,''.

(6) In section 5–543.02, by striking—

(A) in subsection (a), ''the Secretary of Treasury, in the case of the United States Secret Service Uniformed Division,'';

(B) in subsection (b), ''the United States Secret Service Uniformed Division or''; and

(C) in subsection (e), ''the United States Secret Service Uniformed Division or''.

(7) In section 5–543.03(a)(5), by striking ''the United States Secret Service Uniformed Division and''.

(8) In section 5–543.04, by striking in subsection (d)(1) ''the United States Secret Service Uniformed Division or''.

(9) In section 5–543.05, by striking—

(A) ''the United States Secret Service Uniformed Division,''; and

(B) ''or the Secretary of the Treasury,''.

(10) In section 5–545.01, by striking—

(A) in the section heading, ''**and the United States Secret Service Uniformed Division**'';

(B) in subsection (a), ''and the United States Secret Service Uniformed Division'';

(C) in subsection (c)(1)—

(i) by striking ''the United States Secret Service Uniformed Division and''; and

(ii) in the matter following paragraph (1), by striking from the Salary Schedule ''United States Secret Service Uniformed Division'';

(D) in subsection (c)(2), by striking ''the annual rates of basic compensation'' and all that follows through ''the Secretary of the Treasury, and'';

(E) in subsection (c)(5), by striking ''officers and members of the United States Secret Service Uniformed Division or'';

(F) in subsection (c)(6)(A), by striking ''the United States Secret Service Uniformed Division or''; and

(G) in subsection (c)(7)(A), by striking ''the United States Secret Service Uniformed Division or''.

(11) In section 5–545.06, by striking '', the Secretary of the Treasury,''.

(12) By striking section 5–561.01.

(13) In section 5–561.02(a)(1), by striking ''the Secretary of Treasury'' and all that follows through ''United States Secret Service Uniformed Division, and''.

(14) In section 5–716(b)(2), by inserting '', or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code'' after ''member's death''.

(15) In section 5–1304—

(A) in subsection (a)(1)—

(i) by inserting ''and'' before ''the Secretary of the Interior''; and

(ii) by striking '', and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division'';

(B) in subsection (a)(9)—

(i) by inserting ''or'' before ''the United States Park Police force''; and

(ii) by striking ''or the United States Secret Service Uniformed Division'';

(C) in subsection (b)—

(i) by inserting ''or'' before ''the Secretary of the Interior''; and

(ii) by striking ''or the Secretary of the Treasury,'';

(D) in subsection (h)(3)(A), by striking ''of the United States Secret Service Uniformed Division or''; and

(E) in subsection (h)(3)(B), by striking ''of the United States Secret Service Uniformed Division or''.

(16) In section 5–1305 by striking—

(A) ''the United States Secret Service Uniformed Division,''; and

(B) ''the Secretary of the Treasury,''.

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 5102(c)(5), by striking ''the Executive Protective Service'' and inserting ''the United States Secret Service Uniformed Division'';

(2) in section 5541(2)(iv)(II), by striking ''a member of the United States Secret Service Uniformed Division,''; and

(3) in the table of chapters for subpart I of part III by adding at the end the following:

''102. United States Secret Service Uniformed Division Personnel ..... 10201''.

SEC. 6. EFFECTIVE DATE.

This Act (including the amendments made by this Act) shall take effect the first day of the first pay period beginning on or after May 1, 2010.

AWARDING A CONGRESSIONAL GOLD MEDAL TO DR. MUHAMMAD YUNUS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 846 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 846) to award the Congressional Gold Medal to Dr. Muhammad Yunus in recognition of his contributions to the fight against global poverty.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, Professor Muhammad Yunus is one of the world's leading figures in the fight against poverty. He has dedicated his life to economic and social change, and in doing so has transformed the lives of millions of people around the world.

He is affectionately called the ''banker to the poor,'' largely because he is

the father of the microcredit movement, as we know it today. Microcredit means small loans at competitive interest rates to very poor people. The loaned money can be used to buy basic tools and equipment or supplies that can be used to make an income or livelihood or generate revenue.

It was 1976 when Dr. Yunus began his innovative effort with loans of just $27 from his own pocket to 42 craftspeople in a small village in his native Bangladesh. From that small start, he launched what has become a global movement to create economic and social development from the ground up.

In 1983, Dr. Yunus founded the Grameen Bank to carry out his model on a much larger scale. With thousands of very small loans, the bank has given millions of people living in extreme poverty a chance to start a small business or buy a few things to sell at the local market. Today, the Grameen Bank operates in more than 84,000 villages around the world. It has provided more than $8 billion in low-interest loans to nearly 8 million people. And its borrowers, who are among the poorest of the poor and are not required to provide any collateral, repay their loans at the remarkable rate of 98 percent.

Over the past 30 years, Dr. Yunus's microcredit concept has been emulated in more than 100 countries over 5 continents affecting the lives of as many as 155 million people. This simple economics professor from Bangladesh came up with an idea that has touched positively the lives of over 155 million people on Earth.

Dr. Yunus's work has been particularly dramatic when it comes to its impact on women, who represent 95 percent of his bank's borrowers. Economic, legal, and social inequities in the developing world make it much harder for women to earn an adequate living and support their families. Women make up 60 percent of the world's working poor, 70 percent of the hungry, and 67 percent of the illiterate.

When I visited Uganda many years ago and visited a microcredit operation, I asked the ladies who were there, through an interpreter, how microcredit had changed their lives. One lady said: My knees have gone soft. I asked for a translation—an explanation—and she explained that before she got the microcredit loan that gave her a chance to go to the market to make a little money to feed her family, she used to have to crawl on her knees to beg her husband for money to feed her children. She said she doesn't have to crawl on her knees anymore. Her knees have gone soft.

By focusing its lending on women, Dr. Yunus and the Grameen Bank empower women both within their families and within their communities. The effect is remarkable: Babies are more likely to survive infancy and thrive; their children—especially daughters—are more likely to attend school; families are more likely to eat; and marriages postponed when an educated girl has a chance to look at life from a new perspective.

In 2006, Dr. Yunus was awarded the Nobel Peace Prize for his groundbreaking work. This award recognized that lasting peace and prosperity can be achieved only when large numbers of the world's poor have the means to break out of poverty. In August, President Obama recognized him with the Presidential Medal of Freedom.

Earlier this year, Senator BENNETT of Utah and I offered the Dr. Muhammad Yunus Gold Medal Act, S. 846, to honor his efforts. I thank Senator BENNETT for his leadership on this bill and our 70 colleagues who have cosponsored it.

Saturday, October 17, is International Day for the Eradication of Poverty. Few people have done as much as Dr. Muhammad Yunus to eradicate poverty among the more than 1 billion people worldwide who survive on about a dollar a day. We honor his commitment and recognize his work and his remarkable achievements as an individual.

Mr. President, I ask unanimous consent that the bill be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 846) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 846

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of $27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,400,000,000 people, mostly women and children, who live on less than $1.25 a day, and the 2,600,000,000 people who live on less than $2 a day, and which has already reached 155,000,000, by one estimate;

(7) there are now an estimated 24,000,000 microenterprises in the United States accounting for approximately 18 percent of private (nonfarm) employment and 87 percent of all business in the United States, and the Small Business Administration has made over $318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

NATIONAL METASTATIC BREAST CANCER AWARENESS DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 295 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 295) designating October 13, 2009, as ''National Metastatic Breast Cancer Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 295

Whereas metastatic breast cancer refers to stage IV breast cancer, when cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in the new location;

Whereas in 2009, an estimated 192,370 women and 1,910 men in the United States will be diagnosed with invasive breast cancer, and 62,280 women will be diagnosed with in situ breast cancer;

Whereas nearly 30 percent of women diagnosed with early stage breast cancer will develop stage IV advanced or metastatic breast cancer;

Whereas in developing countries, the majority of women with breast cancer are diagnosed with advanced stage or metastatic disease;

Whereas the statistic that 155,000 women and men are presently living with metastatic breast cancer in the United States underscores the immediate need for increased public awareness;

Whereas there currently is no cure for metastatic breast cancer, and metastatic breast cancer frequently involves trying one treatment after another with the goal of extending the best quality of life as possible;

Whereas scientists and researchers are conducting important research projects to achieve breakthroughs in metastatic breast cancer research;

Whereas metastatic breast cancer is rarely discussed during National Breast Cancer Awareness Month, observed in October 2009, but those living with the disease should never feel isolated or ignored;

Whereas metastatic Breast Cancer Awareness Day emphasizes the urgent need for new, targeted breast cancer treatments that will provide a high quality of life and long life expectancy for patients by making stage IV cancer a chronic, but not fatal, disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of breast cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 13, 2009, as ''National Metastatic Breast Cancer Awareness Day'';

(2) encourages all people of the United States to become more informed and aware of metastatic breast cancer; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Metastatic Breast Cancer Network.

RED RIBBON WEEK, 2009

Mr. DURBIN. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 313, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 313) supporting the goals and ideals of Red Ribbon Week, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 36 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2009;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

MEASURE READ THE FIRST TIME—S. 1776

Mr. DURBIN. I understand S. 1776, introduced earlier today by Senator STABENOW, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 1776) to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 464, the nomination of Daniel Werfel to be Controller of the Office of Federal Financial Management, Office of Management and Budget; that the nomination be confirmed, the motion to reconsider be laid upon the table, no further motions be in order, and that any statements relating thereto be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR WEDNESDAY, OCTOBER 14, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the consideration of the conference report to accompany H.R. 3138; that there then be 10 minutes of debate equally divided and controlled between Senators DORGAN and BENNETT of Utah or their designees, with Senator DORGAN controlling the final 5 minutes; that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the conference report to accompany H.R. 3183. Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Senators should expect the first vote of the day to be at 11:15 a.m. tomorrow. That vote will be on the motion to invoke cloture on the conference report to accompany H.R. 3183, the Energy and Water appropriations bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Wednesday, October 14, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NUCLEAR REGULATORY COMMISSION

GEORGE APOSTOLAKIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2014, VICE PETER B. LYONS, TERM EXPIRED.

WILLIAM D. MAGWOOD, IV, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2010, VICE EDWARD MCGAFFIGAN, JR.

WILLIAM D. MAGWOOD, IV, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2015. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

ELIZABETH M. HARMAN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE W. ROSS ASHLEY, III, RESIGNED.

DEPARTMENT OF STATE

ELENI TSAKOPOULOS KOUNALAKIS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

PETER ALAN PRAHAR, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

DEPARTMENT OF JUSTICE

SHARON JEANETTE LUBINSKI, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE MICHAEL G. MCGINN.

THE JUDICIARY

ROSANNA MALOUF PETERSON, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON, VICE FREDERICK L. VAN SICKLE, RETIRED.

CHRISTINA REISS, OF VERMONT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF VERMONT, VICE JOHN GARVAN MURTHA, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, October 13, 2009:

EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL I. WERFEL, OF VIRGINIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 13, 2009 withdrawing from further Senate consideration the following nomination:

LORELEI BOYLAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP, WHICH WAS SENT TO THE SENATE ON MAY 11, 2009.

EXTENSIONS OF REMARKS

HONORING SPECIAL AGENT FREDERICK E. BRAGG

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express my appreciation for Special Agent Frederick E. Bragg—a dedicated public servant and an outstanding President of the FBI Agents Association (FBIAA). The FBIAA is over 20 years old and has grown from several hundred agents to a professional association of over 11,300 current and former agents from across the country.

Mr. Bragg's long history of public service began in 1986 with the Onondaga County Sheriff's Department in Syracuse, New York where he worked as a patrol deputy and an investigator. Mr. Bragg joined the FBI in 1991 and has served as the President of the Tri-County Law Enforcement Association, spent a decade as an Assistant Team Leader of the Minneapolis SWAT Team, and has helped lead efforts to combat terrorism, public corruption, and health care fraud. Mr. Bragg's commitment to the mission of the FBIAA began in 1995 and in 2003 he was elected President of the FBIAA. Throughout the duration of his involvement with the FBIAA, Mr. Bragg has advanced the charitable and law enforcement goals of the FBIAA, and his efforts have benefited agents and their families worldwide.

Mr. Bragg has been a leader when it comes to providing for the families of FBI Special Agents who give their lives in the service of our country. Mr. Bragg has helped raise hundreds of thousands of dollars for the FBIAA Memorial Scholarship Fund, which helps provide college scholarships to children of deceased FBI Agents. During Mr. Bragg's time as President, this scholarship fund grew to a level where 80% of a student's college costs are now covered—and because of his efforts it is likely this percentage will continue to increase.

In addition to his charitable work, Mr. Bragg has also been an effective voice for FBI Agents on questions of policy. I have had the opportunity to work personally with Mr. Bragg and have witnessed firsthand his unwavering commitment to our nation's FBI Agents. His advocacy played a key role in many important policy issues, such as debates over whether a domestic intelligence agency should be created, the implementation of new "pay for performance" standards, and the importance of criminal investigations to our nation's security.

As a former FBI Special Agent, I commend Mr. Bragg for his excellent service on behalf of our nation's premier law enforcement agents. His work has earned the thanks and appreciation of this body.

DEFENSE AUTHORIZATION BILL

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. SCALISE. Madam Speaker, I support our troops, and that is why I voted for the Defense Authorization bill when it came before the House earlier this year in a straight up-or-down vote. Unfortunately, Speaker PELOSI decided to use our troops as political pawns by allowing the unrelated and ill-conceived "thought crimes" bill to be rammed into the final version of this conference report.

It is a sad day for our country, and a shameful precedent, when the liberals running Congress hold our troops hostage to pass their radical social agenda. It is an insult to our servicemembers who are offended that they are being used as "human shields" in a political war waged by Speaker PELOSI to pass her radical social agenda, and I'm standing up for our troops by opposing this abuse of power. Speaker PELOSI and the liberals running Congress owe our military and their families an apology for playing political games with their mission.

NATIONAL COUNCIL OF ASIAN AMERICAN BUSINESS ASSOCIATIONS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. HONDA. Madam Speaker, I rise today to show my support for the National Council of Asian American Business Associations (NCAABA), and for the important work the NCAABA has done for the Asian American and Pacific Islander business community.

NCAABA was founded in 2000 to be the voice of Asian American business owners at the national level, serving as a conduit of resource and information, to educate the public, private and business sectors, to advance America's economic growth and stability.

Asian Americans, Native Hawaiians, and Other Pacific Islanders (AA NHOPIs) are the fastest growing demographic group in America. In 2002, there were 1.1 million Asian American-owned firms in America, generating $326 billion in revenues, with the number of Asian American-owned firms growing 24% from 1997, about twice the national average for all businesses. In addition, there were 29,000 Native Hawaiian and Other Pacific Islander (NHOPI)-owned firms, generating $4.3 billion in revenue, with the number of NHOPI-owned firms growing 49% from 1997, roughly 4 times the average for all businesses. In fact, California, with more than 1/3 million Asian American-owned firms has the largest number of Asian American-owned firms of any state in America.

As America's companies aim to meet the demands of the emerging markets in America, and Asia, AA NHOPIs, who have the cultural and communications skills to create new opportunities, new jobs, and new investments, are in demand.

Given this dramatic growth of AA NHOPI business owners, supplier diversity or the use of minority owned vendors as suppliers, has become a practice that is increasingly important to the success of any business. I want to take this opportunity to commend the National Council of Asian American Business Associations, and presenting sponsor Wells Fargo, in launching the NCAABA Supplier Academy at UCLA on October 14–15, 2009, to ensure that AA NHOPIs will have the cultural and linguistic leadership skills to optimize the resources of the global market, to create sustainable economic change and climate change.

HONORING MR. KEVIN LEE MITCHEM OF MATHEWS COUNTY, VIRGINIA

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. WITTMAN. Madam Speaker, I rise today to pay tribute to Mr. Kevin Lee Mitchem. Kevin Mitchem was a proud Mathews County resident and a fervent supporter of public education, and he was committed to lending his time and knowledge to youth in the community. Kevin was a devoted husband to his beloved wife, Sara, and a dedicated father to their two children, Rachel and Daniel.

As the owner of Mitchem Seafood, Kevin was a staunch supporter of watermen and the seafood industry. At the time of his passing, Kevin Mitchem was the Chairman of the Mathews County Board of Supervisors and prior to the chairmanship, he served for twelve years as a board member. Additionally, he served on the Middle Peninsula Planning District Commission.

Kevin was deeply involved in his community and dedicated much of his time and effort to serve the residents of Matthews County. He helped coach Mathews County Little League Baseball, Youth Basketball, High School Junior Varsity Girls Basketball, and Junior Varsity Baseball. Mr. Mitchem was a strong supporter of community youth programs and he was instrumental in purchasing and renovating a facility for the senior citizens of Mathews County.

Furthermore, Kevin was a member of the Masonic Lodge, Oriental #20 A.F. & A.M. of Mathews County, the Scottish Rite Temple of Newport News, and the Tidewater Shrine Club. Kevin was also an avid sports fan. He was a lifelong fan of the Baltimore Orioles and Washington Redskins.

Kevin Lee Mitchem will be greatly missed by all who knew him. He touched so many people's lives and the work that he did for his

community will never be forgotten. My thoughts and prayers are with his family and friends.

CONGRATULATING WESTON DEWOLFF, SOUTH CAROLINA'S JUNIOR DUCK STAMP DESIGN ''BEST OF SHOW'' AWARD WINNER

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. BROWN of South Carolina. Madam Speaker, I am pleased to announce that the Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009, legislation that I sponsored with Congressmen Solomon Ortiz, has passed out of committee with unanimous consent.

Also, I wanted to congratulate Weston DeWolff, a 15-year-old student at the Charleston County School of the Arts and winner of the Junior Duck Stamp Design Program's ''Best of Show'' award for the State of South Carolina, for his depiction of a male and female mallard duck.

I congratulate Mr. DeWolff for his achievement and I am proud to support the extension of the Junior Duck Stamp Design program so as to ensure that other students, like him, will have the opportunity to participate in this contest in the future.

Finally, in addition to applauding the unanimous passage of this essential conservation legislation, I want to congratulate Ducks Unlimited, the world's largest and most effective waterfowl conservation organization, for recently receiving a $1 million North American Wetlands Conservation Act grant.

This money will ensure that Ducks Unlimited is able to continue their mission of protecting waterfowl habitats nationwide and will provide additional funds to protect and enhance over 8,000 acres of diverse wildlife habitat in both Charleston and Georgetown counties in the First District of South Carolina.

HONORING EISENHOWER HIGH SCHOOL

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. BACA. Madam Speaker, I rise today to honor Eisenhower High School in Rialto, California, on the occasion of its 50th anniversary.

The students and alumni of Eisenhower High School will celebrate 50 years of continued academic excellence, October 17, 2009. This anniversary is a milestone for Rialto, California. Throughout the past 50 years, the school has provided an exemplary educational service to its students and has contributed greatly to the community.

Eisenhower first opened its doors in fall of 1959, and since then has achieved success in academics, athletics and community service while providing a high level of education. They have always been a school of inclusion and unity regardless of an individual's background.

Eisenhower High School has been able to maintain an outstanding athletic program for their students, allowing them to participate in activities that promote the values of team work, integrity, and dedication. Their athletic teams have consistently won conference titles in varied sports, including football, basketball, wrestling, and swimming. The boy's basketball team currently holds the state championship title. With this victory they became the first California Interscholastic Federation State title holders for a school from San Bernardino County.

Pro Football Hall of Famer, Ronnie Lott graduated from Eisenhower High School; he went on to play for the San Francisco 49ers and was named to the NFL's 75th Anniversary team. Among other Eisenhower High School alumni whom have played on the professional level are Brandi Burton, David Lang, Jeff Conine, Darnell Coles, and Craig Newsome. Another distinguished alumnus is Derek Parra, Olympic Speed-Skating gold medalist and 1500 meter world record holder.

Eisenhower High School has also achieved recognition in academics and community service. They have achieved recognition on the state level as well as national recognition. Anita Ware, alumna of Eisenhower, was its first student to be awarded the prestigious Westinghouse Science Award. The school newspaper, the Eagle's Eye, received an award in 1976 for being one of the nation's best student newspapers from the National Scholastic Press Association and Quill & Scroll. Eisenhower High School was also recognized as a National Blue Ribbon and as a California Distinguished School.

Madam Speaker, I ask that my colleagues join me today in honoring Eisenhower High School. Their continuing record of accomplishment is due in no small part to the teaching practices of the faculty who have guided the school through the years.

HATE CRIMES PROVISION IN THE NATIONAL DEFENSE AUTHORIZATION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. VAN HOLLEN. Madam Speaker, our nation's founding principles guarantee individual freedom and liberty. We risk these rights when hateful discrimination and violence are allowed to flourish. Hate crimes prevention legislation gives law enforcement the tools they need to protect our liberties and ensure that no American is assaulted because of who they are.

We have existing federal hate crimes laws to assist local law enforcement in cases of violent crimes motivated by a victim's race, color, religion, or national origin. With this legislation, we expand protections to gender, sexual orientation, gender identity, and disability.

Hate crimes devastate individuals and families and terrorize communities. By giving law enforcement resources to combat and prosecute the thousands of hate crimes that occur in our country each year, we continue to defend those freedoms that define America's character.

IN HONOR OF LTG ROBERT ORD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. FARR. Madam Speaker, I rise to commend a distinguished career of public service. On February 1, LTG Robert Ord will be retiring as the Dean of the School of International Graduate Studies at the Naval Postgraduate School.

After 34 illustrious years in the U.S. Army, culminating as the commanding general of the U.S. Army Pacific, Bob Ord joined the faculty at the Naval Postgraduate School, bringing his wealth of military experience and relationships from the halls of the Pentagon to one of the most significant graduate military education programs in the Nation. The School of International Graduate Studies addresses current and emerging global security challenges by providing U.S. military and international students with a graduate education in foreign policy, international relations and security cooperation.

Having been a former Peace Corps volunteer in Colombia from 1964–66, I have a deep appreciation for the programs in the SIGS department that focus on the need for capacity building. Two programs of special interest to me are the Leader Development and Education for Sustained Peace and the Center for Stabilization and Reconstruction Studies. Both of these programs address a gap I identified while serving in the Peace Corps—the need to have greater cross-cultural awareness in our security building programs; and, the importance of bringing stabilization and reconstruction stakeholders together in the classroom before they work together in an operational environment. Along with the Center for Homeland Defense and Security, the only Department of Homeland Security-sponsored master's degree program, SIGS is at the cutting edge of 21st century security and homeland defense challenges.

Since February 1, 2008, General Ord has served as the first Director of the Global Center for Security Cooperation, located at the Naval Postgraduate School. The Center ensures the Secretary of Defense is knowledgeable about all the Department of Defense international education providers. Supporting the 2006 Quadrennial Defense Review and the Defense Security Cooperation Guidance, the Global Center coordinates, integrates and deconflicts international education providers' activities and programs. In his capacity as the first Director, Bob Ord's dynamic leadership and breadth of experience has enabled him to stand up a highly resilient organization that can quickly respond to OSD priorities for global international education. The success of the Global Center for Security Cooperation is a lasting tribute to LTG Robert Ord.

Madam Speaker, I am proud to call Bob Ord a friend and I wish him well in the next chapter of his storied life.

CONGRATULATING PROFESSOR ELINOR OSTROM ON RECEIVING THE NOBEL MEMORIAL PRIZE IN ECONOMIC SCIENCES

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Ms. HILL. Madam Speaker, on October 12, 2009, Indiana University Professor Elinor Ostrom became the first woman in the forty-one year history of the Nobel Memorial Prize in Economic Sciences to receive the award. Prof. Ostrom's ground breaking research on the management of common pool goods has shown her commitment to original and progressive thinking in the field of economic sciences. I am particularly proud of Prof. Ostrom's achievements as Indiana University is located in the Southern Indiana congressional district that I am so proud to represent.

Prof. Ostrom, a member of Indiana University's faculty since 1965, has a history of leading her field in scientific research. She co-founded the workshop in Political Theory and Policy Analysis and is also the first woman to chair Indiana University's Department of Political Science. She currently serves as the Arthur F. Bentley professor of Political Science in the College of Arts and Sciences as well as a Professor in the School of Public and Environmental Affairs at Indiana University in Bloomington, Indiana.

Having been the first woman to win the Johan Skytte Prize in Political Science, as well as the William H. Riker Prize in Political Science, it is no surprise that she has now received the prestigious Nobel Memorial Prize in economic sciences. Her dedication and innovative thinking can serve as a model for all those who seek to achieve original solutions in their respective fields.

NEW YORK TIMES WEIGHTS POLL IN FAVOR OF DEMOCRATS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. SMITH of Texas. Madam Speaker, the New York Times reported recently that President Obama has "considerable political strength."

The Times based this statement on its own poll, which found the President has an approval rating of 56 percent—the highest number of any recent poll.

One reason for this might be that the Times weighted the poll in favor of Democrats.

Among those who actually responded to the poll, there were more Democrats than Republicans by 6 percentage points.

But when the Times finished computing the results, they had increased the gap to and unreasonable and inexplicable 15 percentage points.

With so many more Democrats in the sample, it should come as no surprise that the President's approval rating is a higher than other polls have found.

The Times would do well to show more balance in their polling—and their reporting.

TRIBUTE TO THE POLISH PEOPLES HOME

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an institution, The Polish Peoples Home–Polish American Cultural Center, that is celebrating its 100th Anniversary of dedicated service and support to the Polish Community of Passaic, New Jersey and the surrounding area.

It is only fitting that The Polish Peoples Home be honored in this, the permanent record of the greatest democracy ever known, for the cultural home has provided friendship and guidance to Polish-American families, especially those just embarking on their American dream. Its dedication to the entire community, however, is what keeps this deeply-rooted institution growing towards the future.

The history of Polish people in Passaic is rich and complex. During the first decade of the Twentieth Century, New Jersey had become a magnet for migration. There was a demand for labor and the opportunities brought thousands of immigrants to New Jersey's burgeoning industrial centers. Polish immigrants were one of the many groups who struggled to create new lives for themselves here in America. They brought with them customs and culture they wanted to preserve and maintain as a link to the lives they left in Poland.

On October 9, 1909 fifteen of these hard-working Polish immigrants formed a corporation called "Polish Peoples Home." The object of this corporation was to establish and sustain a home for all Polish societies in the City of Passaic and the surrounding areas. One hundred years later it continues to preserve and enhance the Polish heritage of the past while providing immeasurable lasting contributions to America's present.

The Polish Peoples Home of Passaic has served as a haven for Polish immigrants and the Polish-American community, combining their recreational, cultural, social and educational endeavors. By promoting the beauty and richness of their Polish heritage, they honor the lasting impression made by Polish-Americans in the arts, sciences, industry and agriculture.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of wonderful, thriving community institutions such as The Polish Peoples Home.

Madam Speaker, I ask that you join the members and Board of The Polish Peoples Home, all whose lives have been culturally enriched throughout the years and me in recognizing the outstanding contributions of The Polish Peoples Home to the Polish-American community and beyond.

PAYING TRIBUTE TO THE WOMEN OF THE JUNIOR LEAGUE OF FRESNO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to all of the women of the Junior League of Fresno, California on this occasion of their 50th anniversary aptly recognized as, "Women Building Better Communities."

In 1948, the Service League of Fresno was formed and within the course of eleven years, it was accepted into the Association of Junior Leagues International, Inc. Each year since their inception, 20,000 hours of voluntary service time has been generously provided by the women of the Junior League of Fresno. As a result of their years of commitment, over one million hours of service has been given to the community of Fresno by members of the Junior League. Since 1959, it has raised more than $3,000,000 toward community projects in the areas of children, health, social services, education, women's issues and cultural arts.

Meeting the needs of their community has been and continues to be the Junior League's highest priority. Members research, develop, manage and support projects in conjunction with community partners, concentrating on areas where resources are nominal and where they can have the most meaningful impact.

Throughout the years, projects and organizations the Junior League has championed include: Break the Barriers, The Central California Blood Mobile, Children's Hospital Central California; The Craycroft Youth Shelter; The Discovery Center; Exceptional Parents Unlimited; Firefighters Creating Memories; Footsteps Child Bereavement Program; The Fresno Art Museum; the Fresno County Shot Mobile Immunization Clinic; the Fresno Metropolitan Museum; The Marjaree Mason Center; The Ronald McDonald House; The Sanctuary Youth Center; and Senior Girl Athlete Awards Banquet.

The Junior League believes, as do I, that volunteers make a powerful difference in the community. Their service, advocacy, leadership roles and mentoring have touched countless lives throughout our community. I ask my colleagues to join me in recognizing this wonderful group of women as the Junior League of Fresno celebrate their 50th Anniversary of "Women Building Better Communities."

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. CAPUANO. Madam Speaker, last week I missed several rollcall votes and I wish to state how I would have voted had I been present: rollcall No. 753—yes; rollcall No. 754—no; rollcall No. 755—yes.

CONGRATULATING THE CHICAGO BOTANIC GARDEN ON THE OPENING OF THE DANIEL F. AND ADA L. RICE PLANT CONSERVATION SCIENCE CENTER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. KIRK. Madam Speaker, I rise today to honor the Chicago Botanic Garden for the opening of the Daniel F. and Ada L. Rice Plant Conservation Science Center. This new

center will serve to provide solutions to plant conservation challenges through research and education.

To accomplish their goals, 200 plant scientists along with students and collaborators will aid the full time scientists and research assistants in the 38,000-square foot building. The space will also house a teaching facility and the country's first doctoral plant biology program.

Additionally the Center utilizes green building practices, including an innovative rainwater glen to collect and filter storm water runoff and a 16,000-square foot green roof. The visitor's gallery will also allow the public to witness the scientific work occurring and various exhibitions.

The Chicago Botanic Garden successfully opened the Daniel F. and Ada L. Rice Plant Conservation Science Center on September 29, 2009. I commend all the students, researchers and scientists who are committing their time and energy to this important project and wish them the best of luck.

TRIBUTE TO PEARL BEATTY ON THE CELEBRATION OF HER 74TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the 74th birthday of my good friend, Ms. Pearl Beatty. Her family, friends and associates have gathered on October 8, 2009, to hold a party in her honor and to wish this incredibly talented woman best wishes. Pearl Beatty has always been passionate about her community and those closest to her want to be sure that she knows how much she is loved and appreciated.

Pearl Beatty never allowed her early fragile health to preclude her from involvement in the things that mattered most to her. Throughout her life, Pearl Beatty has been an active participant in the political process and community organizing. She was also gifted with a beautiful voice which she utilized at Arts High School and with the Sweethearts, a group that was fortunate enough to sing at a John F. Kennedy for President rally. In fact, Pearl Beatty was active in the New Jersey campaign for the election of President Kennedy. Always an advocate for fairness, Pearl Beatty joined me and my brother, Bill, in the picketing of a local Woolworth 5&10 forcing them to hire young African Americans to work at the lunch counter.

In addition to being active in the Urban League and the NAACP, Pearl Beatty assisted in organizing the New Jersey contingent for the 1963 March on Washington. She was also instrumental in the four successful campaigns of Newark mayor Kenneth Gibson, the first African American to be elected mayor of a major eastern city. She represented Governor Hughes at the 1968 Democratic Convention in Chicago and was the New Jersey campaign scheduler for President Jimmy Carter in 1976. In June 1978, Pearl Beatty was elected as a freeholder for Essex County and soon found herself as the first director of the newly elected Board of Chosen Freeholders under the new form of charter change government of Essex County. Ms. Beatty was the first African American appointed as president of the New Jersey Council of Counties and in 1987, she was appointed executive chairperson of the New Jersey State Dr. Martin Luther King, Jr., commission.

Madam Speaker, I know my colleagues agree that Pearl Beatty deserves to be feted at this 74th Birthday celebration. I am pleased to congratulate her and thank her for the many lasting contributions she has made to the Greater Newark community.

RECOGNIZING THE RETIREMENT OF ELIZABETH ''JACKIE'' NOYES

HON. FORTNEY PETE STARK

CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. STARK. Madam Speaker, it is with great pleasure that I recognize Elizabeth ''Jackie'' Noyes on her retirement from more than 36 years of service as the Associate Executive Director with American Academy of Pediatrics. Throughout her career, Ms. Noyes has played a significant role in shaping health policy in the United States—especially as it affects children.

I've worked closely with the American Academy of Pediatrics to ensure that each and every child in America has quality, affordable coverage. They are a rare provider organization in Washington, DC. Their mission is much more about advancing better health care for their patients than it is about advancing pay increases for their member physicians. Jackie has been a key player in that mission for nearly four decades.

Ms. Noyes has a long, varied list of accomplishments, honors, and boards that she's participated in throughout her time with the American Academy of Pediatrics. Highlights include serving as Chair of the National Advisory Commission on Childhood Vaccines; on the board of the Children's Dental Project, Inc., Children's Hospice International, and the Coalition for Health Funding; and as a member of the Specialty Society Advisory Committee for the American Medical Association. She's also been published by well-respected organizations, including Advances in Pediatrics, California Pediatrician, and the American Journal of Psychology.

Throughout Ms. Noyes' career, she has been recognized for her dedication to children's health with several awards, including a Certificate of Appreciation for Outstanding Contributions to the Health and Welfare of America's Children and Adolescents by the U.S. Surgeon General.

She has played a key role in creating and improving health care laws including vital programs like Vaccines for Children, Head Start, and the Consumer Product Safety Commission. She also played key roles in the passage and renewal of the National Childhood Vaccine Injury Act of 1986, the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, the Children and Pregnant Women Health Insurance Act of 1993, the State Children's Health Insurance Program, the Children's Health Insurance Accountability Act of 1996, and the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equality Act of 2008.

In honor of her retirement, the Friends of Children Advocacy Fund has been created to support the initiatives of the American Academy of Pediatrics and its advocacy for child health programs and public health. The Friends of Children Advocacy Fund will continue her work to improve the health of children.

She has been a valuable asset to the American Academy of Pediatrics and their mission to improve the health of America's children. I thank her for her dedication, wish her well in retirement, and fully expect to continue to hear her name in connection with initiatives to improve children's health.

IN RECOGNITION OF JAMES PATRICK'S HEROISM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. MURTHA. Madam Speaker, I rise today to recognize the heroic deeds of one of my constituents, Mr. James Patrick of Johnstown, Pennsylvania. Earlier this year, while Mr. Patrick, a letter carrier for the US Postal Service, was on his route, he saw flames and thick black smoke erupting out of the top of a church. He immediately found someone to call 911 before he selflessly entered the burning church to make sure that everyone was safe.

Even though the roof of the church and the adjacent rectory were rapidly becoming engulfed in flames, Pastor Robert Hall and the church's secretary were unaware of the fire. Patrick informed the two of the fire, but Pastor Hall wanted to put the fire out himself. However, Patrick insisted that everyone leave. He is quoted as saying, ''Father, you have to get out—the whole roof is on fire.''

Because of his courageous deeds, two people's lives were saved. Subsequently, Pastor Hall, in a letter to the Postal Service wrote, ''In this day and age when people don't want to get involved, I want to say thank you to your employee for going the extra mile.''

Patrick is a member of the National Association of Letter Carriers, Johnstown Branch 451. For his actions, he was recently recognized by the Association and was awarded the Eastern Region Hero Award.

Madam Speaker, I wish to close my remarks by commending Mr. James Patrick for his heroic actions. We are fortunate that we have people like Mr. Patrick who choose to go above and beyond what is expected so that lives may be saved.

CHIEF MASTER SERGEANT JOSEPH E. BARRON RETIRES AFTER 30 YEARS SERVICE WITH THE UNITED STATES AIR FORCE

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize CMSgt Joseph E. Barron on the occasion of his retirement from the United States Air Force.

Chief Master Sergeant Barron hails from Morristown, NJ, where he graduated from Parsippany Hills High School and entered the Air Force in 1979. He assumed his duties as Command Chief Master Sergeant, Air Mobility Command, in April 2006. His work as an administrative specialist involved him with tours with the Air Force Office of Special Investigations and Air Force Recruiting Service. Additionally, Chief Master Sergeant Barron served in multiple units as a first sergeant both in the United States and overseas, where during Operations Desert Fox and Allied Force he was instrumental in the initial bed down, troop support, and morale for the largest combat air refueling wing in Air Force history. His work with Air Mobility Command's critical aero medical evacuation mission helped to facilitate the rapid movement of over 23,000 injured warriors to United States medical facilities with a remarkable 98 percent combat-casualty survivability rate.

Beginning in September 2007, Chief Master Sergeant Barron helped lead Air Mobility Command's Total Force Team with tremendous impact. Here, his extraordinary leadership inspired Air Mobility Command's 132,000 Total Force Airmen to successfully accomplish more than thousands of sorties transporting over 4 million passengers, nearly 2 million tons of cargo, and offloading over 3 billion pounds of fuel. Air Mobility Command forces also completed over 43,000 theater-direct delivery sorties, delivering thousands of combat troops, tons of cargo and mine-resistant ambush-protected vehicles in support of two overseas contingency operations.

Through the work of Chief Master Sergeant Barron the Mobility Air Force was ready to respond when Hurricanes Gustav and Ike ravaged the gulf coast, generating 564 sorties transporting 8,863 passengers and delivering 1,223 tons of humanitarian supplies. However, Chief Master Sergeant Barron is most proud of his involvement after Hurricane Katrina, where he provided crucial support to the devastated region.

Madam Speaker, CMSgt Joseph E. Barron's selfless dedication to the service of his country is honorable and worthy of recognition. I believe I can speak for the airmen of Air Mobility Command in saying that his dedication has positively impacted those with whom he has served during his years with the Air Force and I join with them in congratulating him on his retirement and a job well done.

HONORING UNITED STATES PHARMACOPEIAL CONVENTION OCTOBER 13, 2009

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. VAN HOLLEN. Madam Speaker, in recognition of World Standards Week, which was observed last week, I rise to salute the United States Pharmacopeial Convention (USP), which is based in my district in Rockville, Maryland and has sites in China, India, Brazil, and Switzerland.

Since 1820, USP, a non-profit organization, has worked to improve the health of people around the world through public standards and related programs that help ensure the quality, safety and benefits of medicines and foods. It has worked closely with the FDA to develop and revise drug quality standards. It also sets food ingredient standards and offers voluntary verification programs for pharmaceutical ingredients, dietary supplements, and ingredients used in dietary supplements.

USP's drug standards are legally enforceable by the Food and Drug Administration in the United States, and its standards for drugs, food ingredients and dietary supplements are used and relied upon in more than 130 countries. As part of its mission, USP works with a broad range of standards-setting bodies toward the common goals of inter-organizational cooperation and the widespread dissemination of standards. These bodies include the American National Standards Institute, the National Institute of Standards and Technology, the International Standards Organization, the International Bureau of Weights and Measures, the European Directorate for the Quality of Medicines, the Chinese National Institute for the Control of Pharmaceutical and Biological Products, the Japanese Pharmacopeia, the British National Institute for Biological Standards and Control, and many others throughout the world.

Patients, consumers, manufacturers, and taxpayers are the ultimate beneficiaries of USP's efforts, and are able to possess greater confidence about the identity and quality of these products in the marketplace. Assisted by more than 1,000 volunteers worldwide, USP engages in public processes to ensure unbiased, independent, authoritative, science-based decision-making.

I ask my colleagues to join me in saluting the U.S. Pharmacopeial Convention for its efforts to enhance food and drug safety standards around the world.

HONORING DOCTORATE IN EDUCATION AWARDED TO CONGRESSMAN MIKE HONDA BY KANGWON NATIONAL UNIVERSITY IN SOUTH KOREA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. HONDA. Madam Speaker, this August, I had the honor of traveling to Kangwon National University in South Korea, where I was awarded an honorary doctorate in Education. As a former high school teacher, principal, and school board member, education has always been my top priority. I believe education is a powerful investment in our future, and I have continued my pursuit of both learning and teaching during my tenure in Congress. I was humbled to receive the high honor of an honorary doctorate from Kangwon National University, an institution I have come to deeply respect.

During my visit to Korea, I met with Prime Minister Seung-Soo Han, whose passion for moving President Myung-Bak Lee's ''Low Carbon, Green Growth'' initiative forward is something that I admire. As a representative from Silicon Valley, which is at the forefront in our country's efforts in renewable energy, I know the importance of Korea's investments in green technologies.

Many individuals helped make my visit to Korea successful and memorable, and I would like to thank the following people who helped to make my degree and visit possible: Prime Minister Seung-Soo Han; Foreign Minister Myung-Hwan Yu; Kangwon Province Governor Jin-Sun Kim; Kangwon National University President Yong-Jung Kwon; National Assemblywoman Nak-Kyun Shin; National Assemblywoman Mi-Kyung Lee; U.S. Ambassador to Korea Kathleen Stephens; former Korean Ambassador to the U.S. Tae-Sik Lee; American Chamber of Commerce in Korea Chairman David Ruch; House of Sharing, Comfort Women Survivors and Grandma Koon-Ja Kim; Sokcho City Mayor Yong-Sang Chae; and Korean American Voters' Council of New York and New Jersey Leader Dong-Suk Kim.

During my visit, I delivered the following remarks upon accepting my honorary doctorate at Kangwon National University.

It is a pleasure to be here with you here in Korea at Kangwon National University. Thank you for the warm welcome and the kind introduction, and for this wonderful honor.

I'd like to thank the President, distinguished members of the faculty, and students of Kangwon University. I would also like to express my appreciation to Governor Jin-Sun Kim of Kangwon province, and Mr. Dong-Suk Kim of the Korean American Voters' Council.

This is my fourth time in this great country, and each time I leave with stronger friendships and a deeper understanding and connection to Korea. My visits to Korea and the warmth of the Korean people have made a long lasting impression me.

This trip is especially meaningful to me, and I am extremely honored to receive an honorary doctorate in education here at Kangwon National University. As a former teacher, principal, and school board member, education has played an integral role throughout my life, so receiving this degree is very personal.

Education is my passion, and I believe it is the most powerful tool and investment we can provide children with. Quality education assures the economic competitiveness of any nation, advances the arts and sciences, and provides the means for people to achieve individual success. I have worked hard towards providing every child with a high quality education, both as a former educator and as a Member of Congress.

Education also means being able to teach others in order to learn from past mistakes, and flourish as a society. If society cannot look back and learn from previous mistakes, trust and progress between nations is stunted.

To this end, I have spent a portion of my career in Congress educating and working on a historical issue that has grown very close to my heart: that of the 200,000 sex slaves known as comfort women. These comfort women, many of whom were Korean, were forced into dehumanizing sexual slavery, forced to serve up to 30 soldiers a day in some cases. They suffered serious physical, emotional, and psychological damages as a result.

Yesterday, I had the chance to visit with some of the comfort women survivors. I have met these women on several occasions, both in the United States and in Korea at the House of Sharing, and each time I meet them, I am renewed by how strong they are. I cannot emphasize enough how much I admire their perseverance.

The hope of the comfort women is an extremely modest one: That the government of

Japan formally acknowledges, apologizes and accepts full historical responsibility for this crime. To date, they have still not received such a formal apology. That is why I introduced House Resolution 121, which calls on Japan to do so.

I believe the U.S. must have a strong founding in historical reconciliation. For example, in 1988, Congress passed, and President Ronald Reagan signed into law, H.R. 442, the Civil Liberties Act of 1988, which was a formal apology to United States citizens of Japanese ancestry who were unjustly put into internment camps during World War II.

As someone who was put into an internment camp as an infant, I know firsthand that we must not be ignorant of the past, and that reconciliation through government actions to admit error are the only ones likely to be long lasting.

Our government made a mistake, but they apologized for it, and healed many wounds as a result. Today, fewer than 300 comfort women are alive and the number is dwindling as they pass away. They want, and deserve, an official apology.

I cannot put into words how grateful I was when H. Res. 121 received overwhelming support in the 110th Congress—first during its markup held under Chairman Tom Lantos' leadership, and then during its debate and final passage before the House on July 30, 2007.

The fact that H. Res. 121 received no opposition during its consideration and passed unanimously attests to its importance and relevance today. By doing so, the House sent a profound message to the government of Japan that the United States takes the issue of the comfort women very seriously.

Immediately after its passage, I rushed to the House gallery, where Yong Soo Lee, a surviving comfort woman, was watching floor proceedings. We shared a tearful embrace, one I will never forget. She repeated "Thank you. . . . thank you . . .", and I could see in her face that she felt, maybe for the first time in her life, some sense of relief.

Despite the struggles I may have faced in pushing forward this resolution, and the criticism I received from the government of Japan, seeing Yong Soo Lee immediately reminded me again why I chose to tackle this issue.

While the resolution was successful, unfortunately it has not forced the government of Japan to act. The comfort women deserve to have their dignity and honor restored to them. It is not too late for Japan to issue a sincere and official apology, while these women are still alive.

I am hopeful that an international awareness has spread about comfort women, particularly in Australia, the Philippines, and Canada, where comfort women resolutions similar to H. Res. 121 have been introduced and some passed. We must continue to advocate for a formal apology for the comfort women as a matter of fundamental justice. It is an honor to be here in Korea to continue educating about this chapter in history, and to educate others about the importance of an apology for the women.

Moral justice and education have been the two guiding principles I have followed during my fight for the comfort women.

I believe education is a tool that can also be used to fight another battle: global warming. Climate change is the most significant threat to our environment today and is one of the greatest challenges that humans face. The overwhelming scientific evidence makes clear that global warming is a real phenomenon, and that human activities play a significant role.

Twenty of the hottest years in recorded history occurred since the 1980s. Glaciers and permafrost are vanishing. Weather patterns are shifting. Migration patterns are being disrupted.

Global warming presents mankind with a new kind of problem. To fight global warming, dramatic changes will be needed in transportation, energy production, public policy, and human behavior world wide.

As a former teacher, I feel education will be essential to allowing those changes to happen, which is why I introduced the Global Warming Education Act, H.R. 1926. The bill will broaden America's understanding of human-induced global warming, short and long term consequences, and potential solutions.

Widespread understanding of this phenomenon will play a significant role in our ability to address a crisis that tangibly and immediately impacts every single human being. It is vital that people of all walks of life possess sufficient understanding of the issue so that each and every one of us may play a role in defending the health of our planet.

I learned that Korea is becoming a world example and leader of using "green" technology to also address these threats. The U.S. is also an active leader in this effort, and this is just one example of many of the common values that our two countries share. I commend you for leading on the green technology front, and encourage you to educate your peers about the threats that we as humans face.

In closing, Korea holds a very special place in my heart. The relationship our two countries share is vitally important and continues to grow. I have many close friends here in Korea, and I appreciate the welcoming spirit of the Korean people each time I visit. Receiving this honorary doctorate is a lifelong dream of mine, and I am grateful for the opportunity to be presented with such an honor.

Again, I would like to thank the President, faculty, and the students of Kangwon National University for bestowing this honor upon me.

KOREA'S MESSAGE OF SUPPORT FROM MINISTER OF FOREIGN AFFAIRS AND TRADE YU, MYUNG-HWAN TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMARTH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Minister of Foreign Affairs and Trade Yu, Myung-hwan of the Republic of Korea in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE
REPUBLIC OF KOREA,
Washington, DC, October 5, 2009.

Hon. ENI FALEOMAVAEGA,
Chairman, Subcommittee on Asia, the Pacific, and the Global Environment, U.S. House Committee on Foreign Affairs.

DEAR MR. CHAIRMAN: It was with deep grief that I learned of the heavy loss of life and the disastrous property damages caused by the tsunami that swept your hometown, and would like to express my most profound sympathy and condolences to you and the people in the American Samoa, particularly to those who have lost their loved ones.

I earnestly hope for speedy relief and rehabilitation under your leadership.

Sincerely yours,

YU, MYUNG-HWAN,
Minister of Foreign Affairs and Trade.

JAPAN'S MESSAGE OF SUPPORT OF THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Ichiro Fujisaki of Japan in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF JAPAN,
Washington, DC, September 30, 2009.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FALEOMAVAEGA: It is with great sadness that I learned of the tragic loss of life in American Samoa due to yesterday's earthquake and tsunami. My condolences go out to the families and friends who have lost loved ones, and I pray for the speedy recovery of those who were injured as well as the communities that have suffered much damage.

The people of American Samoa have our heartfelt sympathies as they rebuild their homes and communities.

Sincerely,

ICHIRO FUJISAKI,
Ambassador of Japan.

SPEAKER OF THE HOUSE NANCY PELOSI'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Speaker of the House NANCY PELOSI in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

The thoughts of the entire Congress are with the people of American Samoa as they grapple with the terrible loss of life as a result of today's tsunami. As the island works to rebuild, all levels of the government, including Congress, will move quickly to address the needs of American Samoa and the Americans who live there.

HOUSE MAJORITY LEADER STENY H. HOYER'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from House Majority Leader STENY H. HOYER in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009:

I want to offer my deepest sympathy to all those in American Samoa and Samoa who lost loved ones in this terrible tragedy. We are all saddened by the loss of life and the scope of damage done. Our thoughts are with Eni Faleomavaega, American Samoa's delegate to the House of Representatives, and we will keep him and everyone affected in our prayers.

CHAIRMAN HOWARD L. BERMAN'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Chairman HOWARD L. BERMAN of the House Committee on Foreign Affairs in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009:

I want to express my deepest condolences to the people of American Samoa and Samoa who have suffered great losses from the tsunami that swept the islands. The losses are staggering. The sympathy of the Foreign Affairs Committee is with our good friend and the chairman of the Subcommittee on Asia, the Pacific and the Global Environment, Eni Faleomavaega, the delegate from American Samoa. We commend him for his efforts and extend our fullest support during this trying time.

RECOGNIZING SUSAN ANN (LISTON) SKERBISH FOR HER SERVICE TO THE FIRST DISTRICT OF WISCONSIN

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Mrs. Susan Ann (Liston) Skerbish, Wisconsin's First Congressional District Constituent Services Representative.

I have been fortunate to work with staff whose attitude and outlook are positive. But Susie's sweet nature stands out. She joined my office fresh out of college as an idealistic young woman dedicated to the cause of freedom and the desire to help make our society a better place. Susie's winsome smile has always brought sunshine to our office, uplifting morale on the busiest and most difficult days.

By now she has assisted hundreds of religious and nonprofit organizations to secure the grants to help fulfill their social mission, as well as local governments to receive the share of federal resources to which they are entitled. Her contribution to the well-being of Wisconsinites has been tremendous.

In the time since she came to my office, Susie became a loving wife and has recently become a new mom. With her sweet nature and great attitude, all of us in the First District offices feel like part of her family.

I am pleased to recognize Susie's 10 years of service to Wisconsinites in the First District.

TRIBUTE TO NEW A.M.E. ZION CHURCH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding religious institution, New A.M.E. Zion Church in Paterson, New Jersey, which is celebrating its 60th Anniversary of dedicated service to its parishioners, and by extension, the greater community.

It is only fitting that New A.M.E. Zion Church be honored in this, the permanent record of the greatest democracy ever known, for the spiritual home it has provided to American families, and its dedication to the entire community that helps keep this deeply rooted congregation growing towards the future.

The New A.M.E. Zion Church was organized at the home of Mrs. Augusta McCormick, on Fair Street in Paterson in May 1949. The first service as a Church was held on the first Sunday of June 1949 with 69 members. The Rev. Frank Thomas Roberts was founder of the Church, and he inspired the members to make it into a thriving faith community. With the financial support of Mr. John Spencer, Mrs. Florence Spencer, Mr. Robert Robertson, and Mrs. Elnora Tourse, a building located at 140 Lawrence Place was purchased to serve as a place of worship.

Rev. Roberts served as pastor until he was reassigned, and Rev. M.R. Cuthbertson was the second pastor. He brought many young people into the Church. He was followed by Rev. J.O. Fountain, and the Rev. Wesley Brown, who began in 1957. Numerous new programs were started and the first organ was purchased in addition to the first parsonage. Rev. Brown organized a building fund, but instead of building a church they purchased the former Holy Cross Polish National Church, at 153 Lawrence Place. This has been the home of New A.M.E. Zion since 1965. The first service was held there in May and Presiding Bishop William H. Smith formally dedicated it in December of that year. Rev. Brown served until his health declined and Rev. Wallace Lee was assigned. The Church continued to prosper under his leadership. The next pastor was Rev. Dr. Albert J. White, who was assigned in 1976. During his 24 years as pastor, membership grew and many capital improvements were made. A food pantry was started, as well as a summer free lunch program for children in the community and outreach programs for the youth and their families. When Dr. White retired, Rev. Wayne Harris was assigned for a few months, until Rev. Robert C. Russell, who currently still serves as pastor, was assigned.

The New A.M.E. Zion Church currently has many ministries, including Music, Prayer Band, Youth, Health Awareness, Food Pantry, and Van Transportation. Scholarship Fund Committee, Summer Reading, Sunday School, Prayer Meeting, Bible Study and Christian Development are all offered.

Each of the pastors, with the assistance of the other ministers, bishops, and presiding elders as well as the membership, has helped to keep the Church growing and strengthening throughout the last six decades. I am certain that New A.M.E. Zion Church will continue to thrive and to help to better the surrounding community as it moves into the next chapter in its history.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of wonderful, thriving faith communities like New A.M.E. Zion Church.

Madam Speaker, I ask that you join all of the members and clergy of New A.M.E. Zion Church, all those whose faith has been enriched throughout the years, and me in recognizing the outstanding contributions of New A.M.E. Zion Church to the community and beyond.

RECOGNIZING SHOWROOM SHINE ON THEIR 2009 HOODIE AWARD

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. CLAY. Madam Speaker, I am pleased to rise before you today to recognize a star in St. Louis County's active small business community, Showroom Shine, for their 2009 Hoodie Award. The Hoodie Awards aim to recognize excellence in the lives of everyday Americans who contribute their leadership to urban communities. The 7th annual award ceremony honored co-owners Sylvester Chisom and Arthur Shivers with the award for Best Detail Shop. We in the Show Me State are proud that Showroom Shine, a standout in the field of auto detailing and vehicle restoration, is one of our very own.

Sylvester Chisom and Arthur Shivers truly exemplify the entrepreneurial spirit that continues to be the backbone of the American economy. Outfitted only with a water hose, bucket, and drain, Chisom and Shivers started Showroom Shine in 1999 as high school seniors. Showroom Shine has grown into a highly successful detailing company, winning their second Hoodie Award this year. Showroom Shine is known city-wide for their professionalism and personalized service, and hold contracts with numerous corporate and government entities, including the U.S. Postal Service, Enterprise Rental & Leasing, Clear Channel Radio, and Live Nation.

They take seriously their duty to pass along their success to the community and to future business leaders. The two pioneers have penned a book, ''The Young Entrepreneur's Guide to Success,'' aimed at spreading the message of entrepreneurship to young people seeking advice and mentorship for their business ventures. Showroom Shine is a bright

example of ingenuity and diligence. I stand before you offering heartfelt congratulations for their recent accolades and applaud their entrepreneurial excellence.

HONORING JAMES ALLEN CLOAR

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. CARNAHAN. Madam Speaker, I rise today to give recognition for outstanding service by James Allen Cloar to the residents and City of Saint Louis as President and CEO of the Partnership for downtown St. Louis.

Mr. Cloar worked to revitalize America's heartland by improving the living conditions and safety of one of America's greatest cities, the City of Saint Louis.

He brought over a 100 new businesses and 11,000 new residents back into the downtown area of the City of Saint Louis. In doing so, Mr. Cloar secured accolades and recognition for the City, including the All American City Award.

Madam Speaker, James Cloar enjoys the love and support of his family, and I would also like to recognize them.

He is so proud of Anne Bock Cloar, his wife of over 40 years; his daughters Tracy Cloar Rogers and Jennifer Cloar Smith, along with their husbands; and his granddaughters Haley, Alexandria, Skyla, and Phoebe.

I commend Mr. Cloar's dedication to his family, his service to the City of St. Louis, and his work to bring about the revitalization of City's downtown area.

RECOGNIZING TERESA MORA FOR HER SERVICE TO THE FIRST DISTRICT OF WISCONSIN

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Miss Teresa Mora. Teresa is the Field Representative in my district office and has worked with me for more than ten years.

Teresa's personal experience is an embodiment of the American Dream. She was born in Mexico to a loving and close family. They recognized the opportunities for prosperity and freedom which the United States held out to them, and made the difficult decision to come to this country in pursuit of a better life for themselves and their children.

Teresa is conscientious and loyal. Her unique experience has given her a great love for her adopted country combined with passion to help others of Hispanic background who make up a considerable part of Wisconsin's First Congressional District.

Teresa's sincerity and heart of gold help her to win the confidence of immigrants who need assistance in working with the federal government. With bilingual skills, she works comfortably within the immigrant community to build trust and candor to help solve documentation and other government-related problems.

In her role as a representative working in a conservative Republican Congressional office, Teresa has at times encountered hostility based on misunderstanding. Teresa is never partisan, but her positive experience as an American citizen empowers her with a sincere message of hope and success in this country that never fails to open minds and hearts.

I am proud to acknowledge the excellent service and positive efforts Teresa Mora has made over ten years to make life better for the families of Wisconsin's First Congressional District.

MICHAEL CAVANAUGH

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. McMAHON. Madam Speaker, I rise today to honor Michael Cavanaugh, a dedicated Staten Islander, dear friend, tireless community organizer, and great humanitarian who will be retiring this year.

Mr. Cavanaugh was born to Daniel and Mary Cavanaugh on June 23, 1949, in Astoria, Queens. He attended McKee Vocational High School, and served as an Apprentice with Local Union 3. He went on to a career as an outstanding electrician. He has dedicated the last 15 years of his working career as a local shop steward and active union representative fighting for the best benefits and working conditions for his fellow workers.

Throughout his career, he has always advocated for the interest of his fellow electricians and his community. He has served as the Vice President of the Dakota Group, a local group of individuals dedicated to helping our community. He has also served as the Legislative Coordinator for the Staten Island Electrical Club, North Shore Democratic Club, the Ancient Order of Hibernians, the Brighton Kiwanis, and the Special Olympics.

Mr. Cavanaugh is known for his neverending generosity. In addition to the many groups that he belongs to and supports, Mr. Cavanaugh also, on his own time and without any remuneration, has helped numerous people, families and organizations on Staten Island. To name a few, he has helped replace the lighting at St. Peter's Church, helped install a scoreboard at St. Paul's School, and he has helped many homeless people fix up apartments so they can have a decent place to live. Mr. Cavanaugh is one of the most generous people I know.

Mr. Cavanaugh has helped the campaigns of just about every Staten Island Democratic candidate over the last 15 years. His assistance has been essential to the success of many campaigns including mine. No job is too big or too small for Mike. He will help in any way possible.

Outside of his professional life, Mr. Cavanaugh is a devoted family man. He has been married to his wife, Monica, for the past 35 years. He is the father to his son, Daniel, and daughter, Erin. He is also the beloved grandfather to James. In addition to his family, Mike is totally devoted to his wonderful Golden Retriever, Rusty.

Madam Speaker, I ask that my colleagues join me in commending Mr. Cavanaugh on his dedication to the people of Staten Island and wish him a happy and healthy retirement.

ON THE RETIREMENT OF COLONEL STEPHEN M. CHRISTIAN, UNITED STATES ARMY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. HOLT. Madam Speaker, I want to take a moment to honor a fine officer who will shortly be leaving active duty. Colonel Stephen M. Christian will be retiring from the United States Army on October 21, 2009 after more than 30 years of active military service, culminating as Garrison Commander for the United States Army Garrison, Fort Monmouth, New Jersey.

Colonel Christian enlisted in the Army in 1978 and in 1984 attended Officer Candidate School and was commissioned as an Air Defense Artillery Officer. Throughout his career Colonel Christian has held numerous high level command and staff positions, including tours with the 7th Infantry Division (Light) at Fort Ord, California; the 25th Infantry Division (Light) at Schofield Barracks, Hawaii; and the 10th Mountain Division at Fort Drum, New York. He commanded at the Battalion level on two occasions and served two tours of duty in Afghanistan in support of Operation Enduring Freedom, during which he was awarded two Bronze Star medals. Colonel Christian's civilian education includes a Master's of Science in Administration and a Master of Security Strategy from the National War College, National Defense University. Colonel Christian is married to Laura Christian and they have two adult children, Captain Nicholas Christian and Leslie Roop.

Madam Speaker, our active duty families make many sacrifices for the rest of us, and this is especially true of those who make the military their career. I thank COL Christian for his long and honorable service to our nation, and I wish him and his wife Laura the very best as they prepare to enter a new phase in their life journey together.

RECOGNIZE CHIPS FAMILY VIOLENCE CENTER IN ERWIN, TN DURING DOMESTIC VIOLENCE AWARENESS MONTH

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. ROE of Tennessee. Madam Speaker, October is Domestic Violence Awareness month, and great organizations such as CHIPS Family Violence Center in Erwin, Tennessee are educating the community on the dynamics of domestic violence.

This exceptional organization has an important mission to provide shelter and service to victims of domestic violence and their children, ultimately, enabling them to begin and maintain a life free of violence.

This month, CHIPS Family Violence Center in Erwin is holding their third annual candle light service. This event will not only educate the community, it will also honor victims and bring attention to their struggle.

Madam Speaker, the help, opportunity and encouragement provided by CHIPS Family Violence Center is helping families throughout

Tennessee. I want to thank the shelter, the volunteers and our law enforcement for working together towards a safer and healthier community each day.

RECOGNIZING CHAD ALLEN HERBERT FOR HIS SERVICE TO THE FIRST DISTRICT OF WISCONSIN

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Chad Allen Herbert, who is the Constituent Services Representative for military issues in my district office.

Chad is the ''big brother'' of our district office staff. He joined my staff ten years ago as an Army reservist with special concern for the problems and challenges of military personnel and their families. Many of these problems involve the byzantine structure of bureaucracies at the Departments of Defense and Veterans Affairs. Chad made it his business to learn and understand how to navigate the maze of these military agencies. As a result, he has done more over the years to help men and women of the First Congressional District who serve in the armed services than anyone I know of.

Among the most sobering duties of my office is speaking words of comfort to families who have just lost a loved one in military service. Chad has often followed up my initial conversations or substituted for me during the worst moments in the lives of military families. His poise, tact, and professionalism have never failed to be appreciated as he has honored the fallen and their families. Indeed Chad has a passion for making sure our veterans are honored for their extraordinary service to our country. He takes special pride in getting our vets the recognition they deserve, for example, by helping World War Two and Vietnam veterans acquire the medals they were awarded but never received.

Chad was a recent college grad when he began in my office ten years ago, and has since married and is raising a fine family. I am privileged to recognize his ten years of service in my office to the military families of Wisconsin's First District.

THE MARKET IS RESPONDING TO FAILING MORTGAGES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. SMITH of Texas. Madam Speaker, one of America's top concerns during this difficult economic time has been the frequency of home mortgage foreclosures.

Earlier this month, there was news to encourage us. Efforts by banks, borrowers and the Administration to modify troubled mortgages have begun to produce much larger numbers of modifications.

As banks have stabilized their balance sheets and raised fresh capital, their officers even have been able to reduce borrowers' mortgage principal when they work out loans. Modifications that reduce the balances that borrowers owe on their homes have more than tripled.

Earlier this year, Congress debated legislation to change the Bankruptcy Code and force principal reductions on the market. The measure was rightly defeated. To send homeowners into bankruptcy is not the answer and forced principal reductions will chill future lending.

Recently, calls for bankruptcy legislation reemerged in the House. This month's news shows once more that the measure is not needed. The market has found a better solution.

Americans need Congress to do something else to help homeowners. Let's pass effective legislation to bring growth and jobs back to America. That is the better way to help people keep their homes.

TRIBUTE TO CHRISTOPHER FRENZE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. BRADY of Texas. Madam Speaker, I rise today to offer a tribute to Mr. Christopher Frenze, Republican House Staff Director for the Joint Economic Committee, who is retiring this week from a distinguished career in government service. Chris has been a longtime public servant of this Committee and a tremendous asset to both my office and this Congressional body.

After earning his B.A. from American University and doing graduate work in economics at Virginia Tech, Chris served as Director of Research at the National Tax Equality Association. Chris began a long and extraordinary career at the Joint Economic Committee in 1981, holding such positions as Senior Economist, Chief Economist to the Vice Chairman, Executive Director and Republican Staff Director.

Over the years, Chris focused the Committee's research and policy work on several key fields of economics, such as tax policy, fiscal policy, and business cycle analysis, including the assessment of labor market conditions. This research aided countless Members considering tax policy changes, monetary policy targets, IMF reform, and numerous other issues. His career has been distinguished by his relentless effort to promote the public interest, encourage economic growth, reduce the burden of government and respect the Constitution.

Chris's knowledge of economic policy is only one of his many talents. He is recognized as an effective, successful manager who recruited valuable economists that served the Committee for many years. His work serving Senate and House Republicans Members of the Committee, in both the majority and in the minority, has given him unique insights into the way the Committee and the Congress functions, and his expertise, vast institutional knowledge and constant professionalism will be sorely missed.

Chris Frenze represents the very best in public service. I know I can speak for all of my colleagues on the Joint Economic Committee, and those Members that have served on it in the past, in congratulating Chris upon his retirement and thanking him for his dedicated and tireless service to the United States Congress.

RECOGNIZING DANYELL TREMMEL FOR HER SERVICE TO THE FIRST DISTRICT OF WISCONSIN

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Miss Danyell Tremmel, our District Director, for more than 10 years of work in the First Congressional District of Wisconsin office serving my constituents.

Danyell has actually been working for the people of the District even longer than I have. When Mark Neumann represented the District in the House of Representatives, she was his only caseworker. Thus she was already a seasoned ''veteran'' when she agreed to continue on my own staff as I succeeded Congressman Neumann in 1999. Since then she has become something of a ''big sister'' to newer staff

Anyone who has shared the day to day experience of casework in a Congressional office knows the strains and frustrations, in addressing legitimately upset constituents on the one hand and the bureaucratic slip-ups that have adversely impacted their lives on the other. Over the years, Danyell learned how to negotiate her way through the red tape to resolve these issues. She is very intelligent and patient. Her serenity under stress is invaluable and has inspired her coworkers.

Danyell directs my district office operations whenever the Chief of Staff is unavailable, and will be doing so for an extended time while he serves his country on military duty in Iraq.

Danyell has kept her enthusiasm, high standards, and work ethic as she has worked with me for the people of the First District. I am pleased to recognize her for more than 10 years of selfless dedication.

HONORING PHILADELPHIA SENIOR CENTER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Philadelphia Senior Center for 60 years of outstanding service to their community.

Founded by the Female Society for the Relief and Employment of the Poor, Philadelphia Senior Center has been enriching the lives of seniors in Philadelphia since 1949. From its modest beginnings, Philadelphia Senior Center (PSC) has expanded to three branches around the city. PSC centers and services are free to any individual over the age of 55, and over 60 percent of PSC members have incomes well below the poverty level. Combined, these centers assist over 5,000 clients and members each year.

PSC provides an incredible array of services and aid to seniors in the Philadelphia area.

Nearly 400 nutritious meals are provided daily and 70,000 yearly, at the PSC branches. Over 70 classes and activities are offered at PSC, ranging from Tai Chi to art classes to computer use instruction. PSC also maintains the crucial Financial Management Service. The only program of its kind in Southeastern Pennsylvania, Financial Management Service enables seniors to make sound financial decisions for their households. PSC also has trained counselors and staff to help with housing issues seniors might face. These PSC workers help find affordable housing and resolve issues and disputes for its members.

For 60 years, Philadelphia Senior Center has been dedicated to advancing the wellbeing and personal growth of all seniors. I ask that you and my other distinguished colleagues join me in thanking the Philadelphia Senior Center for all they have done to improve the lives of thousands of people in Philadelphia and beyond.

ON THE PASSING OF SENATOR EDWARD KENNEDY

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. JACKSON of Illinois. Madam Speaker, I rise today to express my condolences to the family and friends of one of my most prestigious colleagues, Senator Edward M. Kennedy.

Senator Kennedy lived one of the most extraordinary lives in American political history. He was the last brother of one of America's most storied families; one of our all-time great senators; and a champion for human rights. His legislative accomplishments have touched and improved the lives of virtually everyone who lived in this great country for the past half a century.

Albert C. Caswell approached me shortly after Senator Kennedy's funeral with a poem he wrote titled, "Our Nation's Tears". My colleagues may recognize Mr. Caswell's familiar face as he has served as a Tour Guide in the U.S. Capitol for the past 23 years. I was moved by Mr. Caswell's poem and he has asked that I submit it in the CONGRESSIONAL RECORD. I ask unanimous consent to add my statement and his poem to the CONGRESSIONAL RECORD and I encourage my colleagues to read it.

OUR NATION'S TEARS

(By Albert Carey Caswell)

Our . . .
Our Nation's Tears . . .
As so now lie here!
For one of America's finest son's, this oh so cherished one . . .
A Champion, for Fathers, Mothers, Sisters, Brothers, Daughters and Sons. . .
For Seniors, and our most precious of all ones . . . our Children . . .
For America, and all of these ones!
Our Lion of The Senate Ted, so very dear . . .
As it's for or thee, we now so shed such tears . . .
As down our quivering cheeks they now so run!
All for you Ted, and your great American family my son . . .
And that great love story, that our Lord God had so begun!
And that great Irish family, that came from far across those seas . . .
But, for a better life to be . . .
And that great void now so left, as upon our souls as now so etched . . .
And that great hole in all our hearts, this abyss . . .
Ah, but lies such depth . . .
All in this great caesium, with us you have so left . . .
For this our nation, our Teddy bear . . . you have so blessed!
As our tears fall like the rains . . .
As it's for you Teddy, we now so cry out all in our pain . . .
As comes from our swollen eyes . . .
As it's for or you, our shining Knight. . . we now so weep . . .
For in our heart's, you . . . we shall so keep!
As we pray to our Lord above, that your soul he shall so reap!
For our True Champion, has so died!
As like Your Profile's in Courage, we too must so rise!
As you have so taught our nation, so over the many years . . .
That out of such loss, such heartache . . . and such swollen tears . . .
That somehow, light too can come!
And that somehow, we must all so persevere!
With A Smile, With A Grin . . .
With The Heart of A Child, and a work ethic so then!
And to cherish each new day, as it begins!
And make each new day count! Time and time, and time again!
And hold your families ever so close!
For this is life's full measure, that which so means the most!
Sail on my Son! We will hear your heart on the ocean's setting sun's . . .
Our beautiful brother from Boston!
For Heaven so hold's a place, for our most precious one!
For such men, of such courage, kindness, style and grace . . .
And who have worked and prayed for redemption, in all they've faced!
And live by such undying Faith!
Of such men so bright, who have all our heart's so bathed in all their light . . .
As the baby bore the load, lesson's learned . . . profiles in courage he so earned . . .
How, Teddy raised his head each day. . . was but a lesson for all of us to stay!
To take heart, to take pause . . . all in your pain, and remember his life cause . . .
To remember his smile, and ever his heart of a child . . .
And that up in Heaven on this day . . .
Four brothers are so reunited, in a football game . . .
"And remember, that the work goes on!"
"The cause endures!"
"The hope still lives!"
"And the dream shall never die!"
Ted, our most precious one . . . can you but not in Heaven hear my son?
All of Our Nation's swollen tears, these ones!
And for you, our Nation cry!

In loving memory of Senator Edward Kennedy, May our Lord bless you our warm son, and your family.

RECOGNIZING JOYCE YAMAT MEYER FOR HER SERVICE TO THE FIRST DISTRICT OF WISCONSIN

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I rise to honor Joyce Yamat Meyer, our Washington office Chief of Staff and now Acting Chief of Staff over all office operations.

Joyce is a native of Wisconsin. Since 1995 we have worked together in several different offices. I myself was a Congressional staffer when I met Joyce. I quickly recognized her great abilities. When the member she worked for retired from the House of Representatives, I persuaded my employer, Senator BROWNBACK, to bring her on board.

After my election in 1998 I invited Joyce to become my Legislative Director. Since that time, her skills and knowledge have grown with her responsibilities. I have also been pleased to watch her become a wonderful wife, mom, and leader.

Joyce is one of my partners in serving the people of Wisconsin's First Congressional District. Her home town is Franklin, Wisconsin. Following state redistricting in 2002, she was thrilled to find that her home was now in the First District. Ever since, serving her home town neighbors has been a point of pride for Joyce.

I have worked with Joyce longer than anyone in my office. I am pleased to recognize Joyce Yamat Meyer for more than ten years of excellent work with me in serving the people of the First District.

HONORING BREAST CANCER AWARENESS MONTH

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today in recognition of Breast Cancer Awareness Month, and the nationwide effort to fight one of the most prevalent cancers in the United States. For 25 years, we have used the month of October to highlight the admirable work in the campaign against breast cancer while also recognizing that we still have a great fight ahead of us. While there are over 2.5 million breast cancer survivors in the United States, at least 40,000 more women are dying every year. One out of every eight women is afflicted, and my home state of Connecticut has the third highest rate of new breast cancer cases in the country.

Recently the fight turned personal for me and my hometown of East Hartford. Judy Geier, a local 14-year veteran firefighter, wife of a police officer, and mother of five, was diagnosed with breast cancer in July and is currently undergoing chemotherapy. She expects surgery and radiation treatment in the near future. I am proud of how Judy has shown strength and courage in this battle, and how the East Hartford Fire Department, led by Fire Chief John Oates, and the entire town have rallied around Geier and her family during this trying time.

This was exemplified with the work of the Department did to bring the Pink Heals Tour to East Hartford. Founded by Arizona firefighter, Mr. Dave Graybill, the Pink Heals Tour is engaged in a nationwide mission, armed with a caravan of pink fire trucks, to raise funds and involvement in communities to prevent and treat breast cancer. When the East Hartford firefighters learned of the Pink Heals Tour and its mission, they worked hard to bring the Tour to East Hartford on behalf of

Judy. Pink Heals obliged, adding a last-minute stop to their nationwide journey.

On October 1st, surrounded by the East Hartford Fire Department, community leaders, and the Geier Family, the Pink Heals Tour awarded Judy with a pink fire helmet in support of her admirable fight.

As a nation we have made significant strides to increase the survival rate and improve the lives of millions of women who have battled breast cancer. However, there is still a great amount of work to be done to raise awareness and improve access to preventive and treatment services for every woman. I am confident that with greater funding, increased awareness nationwide, and community support as displayed in East Hartford, we can come together and win this fight.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10333–S10383

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 1773–1777, and S. Res. 311–313. **Pages S10361–62**

Measures Reported:

S. 1692, to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, with an amendment in the nature of a substitute. **Page S10361**

Measures Passed:

United States Secret Service Uniformed Division Modernization Act: Senate passed S. 1510, to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code. **Pages S10378–80**

Congressional Gold Medal: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 846, to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty, and the bill was then passed. **Pages S10380–81**

National Metastatic Breast Cancer Awareness Day: Committee on the Judiciary was discharged from further consideration of S. Res. 295, designating October 13, 2009, as "National Metastatic Breast Cancer Awareness Day", and the resolution was then agreed to. **Pages S10381–82**

Red Ribbon Week: Senate agreed to S. Res. 313, supporting the goals and ideals of Red Ribbon Week, 2009. **Page S10382**

Measures Considered:

Commerce, Justice, Science, and Related Agencies Appropriations Act—Agreement: Senate resumed consideration of H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto: **Pages S10339–52**

Pending:

Vitter/Bennett Amendment No. 2644, to provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of United States citizenship. **Page S10339**

Johanns Amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now (ACORN). **Page S10339**

Levin/Coburn Amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions. **Page S10339**

Durbin Modified Amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN. **Page S10339**

Begich/Murkowski Amendment No. 2646, to allow tribes located inside certain boroughs in Alaska to receive Federal funds for their activities. **Page S10339**

Ensign Modified Amendment No. 2648, to provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs. **Page S10339**

Shelby/Feinstein Amendment No. 2625, to provide danger pay to Federal agents stationed in dangerous foreign field offices. **Page S10339**

Leahy Amendment No. 2642, to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits. **Page S10339**

Graham Amendment No. 2669, to prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks. **Page S10339**

Coburn Amendment No. 2631, to redirect funding of the National Science Foundation toward practical scientific research. **Pages S10343, S10345**

Coburn Amendment No. 2632, to require public disclosure of certain reports. **Page S10343**

Coburn Amendment No. 2667, to reduce waste and abuse at the Department of Commerce.

Pages S10343–45

During consideration of this measure today, Senate also took the following action:

By 56 yeas to 38 nays (Vote No. 320), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the committee-reported amendment in the nature of a substitute. **Page S10351**

A motion was entered to reconsider the vote by which the motion to invoke cloture on the committee-reported amendment in the nature of a substitute failed. **Page S10351**

House Messages:

Veterans Health Care Budget Reform and Transparency Act: Senate concurred in the amendment of the House of Representatives to the amendment of the Senate to H.R. 1016, to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, clearing the measure for the President. **Pages S10376–78**

Energy and Water Appropriations Act Conference Report—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 11 a.m., on Wednesday, October 14, 2009, Senate resume consideration of the conference report to accompany H.R. 3183, Energy and Water Appropriations Act; that there then be 10 minutes for debate equally divided and controlled between Senators Dorgan and Bennett, or their designees; with Senator Dorgan controlling the final five minutes; that upon the use or yielding back of time, Senate vote on the motion to invoke cloture on the conference report to accompany H.R. 3183.

Page S10383

Nomination Confirmed: Senate confirmed the following nomination:

Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget. **Page S10383**

Nominations Received: Senate received the following nominations:

George Apostolakis, of Massachusetts, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2014.

William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2010.

William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2015.

Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

Eleni Tsakopoulos Kounalakis, of California, to be Ambassador to the Republic of Hungary.

Peter Alan Prahar, of Virginia, to be Ambassador to the Federated States of Micronesia.

Sharon Jeanette Lubinski, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Rosanna Malouf Peterson, of Washington, to be United States District Judge for the Eastern District of Washington.

Christina Reiss, of Vermont, to be United States District Judge for the District of Vermont.

Page S10383

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Lorelei Boylan, of New York, to be Administrator of the Wage and Hour Division, Department of Labor, which was sent to the Senate on May 11, 2009. **Page S10383**

Measures Referred: **Page S10360**

Measures Placed on the Calendar: **Pages S10333, S10360**

Measures Read the First Time: **Pages S10360, S10382**

Executive Communications: **Pages S10360–61**

Additional Cosponsors: **Pages S10362–63**

Statements on Introduced Bills/Resolutions: **Pages S10363–73**

Additional Statements: **Pages S10359–60**

Amendments Submitted: **Pages S10373–75**

Notices of Hearings/Meetings: **Pages S10375–76**

Authorities for Committees to Meet: **Page S10376**

Record Votes: One record vote was taken today. (Total—320) **Page S10351**

Adjournment: Senate convened at 2 p.m. and adjourned at 7:15 p.m., until 10 a.m. on Wednesday, October 14, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10383.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original bill entitled, "America's Healthy Future Act of 2009".

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of David C. Gompert, of Virginia, to be Principal Deputy Director of National Intelligence, Office of the Director of National Intelligence, after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 18 public bills, H.R. 3788–3805; and 7 resolutions, H. Con. Res. 198–199; and H. Res. 822–826 were introduced. **Pages H11297–98**

Additional Cosponsors: **Pages H11298–99**

Report Filed: A report was filed today as follows:

Conference report on H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010 (H. Rept. 111–298). **Page H11297**

Speaker: Read a letter from the Speaker wherein she appointed Representative Moran (VA) to act as Speaker Pro Tempore for today. **Page H11175**

Recess: The House recessed at 12:32 p.m. and reconvened at 2 p.m. **Page H11175**

Election Assistance Commission Board of Advisors—Appointment: The Chair announced the Speaker's appointment of the following member on the part of the House to the Election Assistance Commission Board of Advisors: Ms. Lillie Coney, Washington, DC. **Page H11176**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Providing for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc.: H.R. 3689, to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, by a ⅔ yea-and-nay vote of 390 yeas with none voting ''nay'', Roll No. 772; **Pages H11176–77, H11260**

Amending the Wild and Scenic Rivers Act: H.R. 1593, amended, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; **Page H11177**

Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009: H.R. 3537, to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; **Pages H11177–78**

Amending the North American Wetlands Conservation Act: H.R. 3433, 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; **Pages H11178–79**

Reauthorizing the Delaware Water Gap National Recreation Area Citizen Advisory Commission: H.R. 3476, to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission, by a ⅔ yea-nay vote of 384 yeas to 1 nay, Roll No. 773; **Pages H11179–80, H11260–61**

1st Lieutenant Louis Allen Post Office Designation Act: H.R. 2877, to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''; **Pages H11180–81**

Commemorating the 80th anniversary of the Daughters of Penelope: H. Res. 209, amended, to commemorate the 80th anniversary of the Daughters of Penelope, a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA); **Pages H11181–83**

Congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 "Broad Prize for Urban Education": H. Res. 791, amended, to congratulate the Aldine Independent School District in Harris County, Texas, on winning the 2009 ''Broad Prize for Urban Education''; **Pages H11183–85**

Congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities: H. Res. 659, amended, to congratulate Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation, by a ⅔ yea-and-nay vote of 392 yeas with none voting ''nay'', Roll No. 774; **Pages H11185–87, H111261**

Honoring the 100th anniversary of the University of Wisconsin-La Crosse: H. Res. 730, amended, to honor the 100th anniversary of the University of Wisconsin-La Crosse; **Pages H11187–89**

Expressing support for students to learn about Christopher Columbus: H. Res. 822, to express support for students to learn about Christopher Columbus; **Page H11191**

Credit CARD Technical Corrections Act of 2009: H.R. 3606, to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009; and **Pages H11257–59**

Girl Scouts USA Centennial Commemorative Coin Act: H.R. 621, amended, to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America. **Pages H11262–67**

Recess: The House recessed at 4:01 p.m. and reconvened at 6:30 p.m. **Page H11259**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Expressing support for the designation of the month of October as "National Work and Family Month": H. Res. 768, amended, to express support for the designation of the month of October as "National Work and Family Month" and **Pages H11189–90**

Iran Sanctions Enabling Act of 2009: H.R. 1327, amended, to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector. **Pages H11191–95**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H11260, H11260–61 H11261. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 12 midnight.

House Committees

No committee meetings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1123)*

H.R. 2131, to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy. Signed on October 9, 2009. (Public Law 111–70)

H.R. 3593, to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes. Signed on October 9, 2009. (Public Law 111–71)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 14, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions, to hold hearings to examine the state of the banking industry, 2:30 p.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine energy and related economic effects of global climate change legislation, 10 a.m., SD–366.

Full Committee, business meeting to consider any pending nominations, 11:30 a.m., SD–366.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, with the Special Committee on Aging, to hold joint hearings to examine the cost of federal long-term care insurance, 2:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine prohibiting price fixing and other anticompetitive conduct in the health insurance industry, 10 a.m., SD–226.

Special Committee on Aging: with the Committee on Homeland Security and Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings to examine the cost of federal long-term care insurance, 2:30 p.m., SD–342.

House

Committee on Armed Services, hearing on Afghanistan: Getting the Strategy Right, 10 a.m., 210 HVC.

Committee on the Budget, hearing on the Cost of Current Defense Plans: An Analysis of Budget Issues, 10 a.m., 210 Cannon.

Committee on Education and Labor, Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, hearing on Ensuring Student Eligibility Requirements for Federal Aid, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Environment, to mark up the following bills; H.R. 3276, American Medical Isotopes Production Act of 2009; H.R. 3258, Drinking Water System Security Act

of 2009; and H.R. 2868, Chemical Facility Anti-Terrorism Act of 2009, 10 a.m., 2123 Rayburn.

Subcommittee on Health, to mark up the Ryan White HIV/AIDS Treatment Extension act of 2009, 3 p.m., 2113 Rayburn.

Committee on Financial Assistance, to consider the following measures: October 2, Discussion Draft of the Over-the-Counter Derivatives Markets Act of 2009; September 25, Discussion Draft of the Consumer Financial Protection Agency Act of 2009 (to be reported as H.R. 3126, Consumer Financial Protection Agency Act of 2009); H.R. 3763, To amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; and H.R. 3639 Expedited CARD Reform for Consumers Act of 2009, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Asia, The Pacific and The Global Environment, to mark up H. Con. Res. 153, Honoring the 111th anniversary of the independence of the Philippines; followed by a hearing on the Future of APEC, (Asian-Pacific Economic Cooperation), 2 p.m., 2172 Rayburn.

Committee on Homeland Security, hearing entitled ''Diversity at the Department of Homeland Security: Continuing Challenges and New Opportunities,'' 10 a.m., 311 Cannon.

Committee on House Administration, Subcommittee on Capitol Security, hearing on Security Personally Identifiable Information Within the U.S. Capitol Police, 11 a.m., 1310 Longworth.

Committee on the Judiciary, to mark up the following bills: H.R. 42, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act; H.R. 1425, Wartime Treatment Study Act; and H.R. 3237, To enact certain laws relating to national and commercial space programs title 51, United States Code, ''National and Commercial Space Programs,'' 10:15 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, a hearing entitled ''AIG Bonuses: Audit Report of the Special Inspector General,'' 10 a.m., 2154 Rayburn.

Committee on Rules, to consider the following: H.R. 2442, Bay Area Regional Water Recycling Program Expansion Act of 2009; and the Conference Report to accompany H.R. 2892, Department of Homeland Security Appropriations Act, 2010, 3 p.m., H–313 Capitol.

Committee on Science and Technology, Subcommittee on Technology and Innovation, to mark up H.R. 3791, Fire Grants Reauthorization Act of 2009, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Increasing Access to Capital for Small Businesses,'' 11:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on High-Speed Rail in the United States: Opportunities and Challenges, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on the Update on the State of the U.S. Department of Veterans Affairs, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence and Counterintelligence, executive, briefing on Hot Spots, 4 p.m., 304–HVC.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine promoting tolerance and understanding in the Organization for Security and Cooperation in Europe (OSCE) region, focusing on the role of the personal representatives, 10 a.m., SVC–208/209.

Next Meeting of the SENATE
10 a.m., Wednesday, October 14

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will resume consideration of the conference report to accompany H.R. 3183, Energy and Water Appropriations Act, and after a period of debate, vote on the motion to invoke cloture on the conference report at approximately 11:15 a.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, October 14

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H. Res. 408—Recognizing the vital role family readiness volunteers play in supporting service members and their families; (2) H. Res. 754—Honoring the citizen-soldiers of the National Guard of the State of Pennsylvania, including the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq; (3) H. Res. 445—Recognizing 100 years of military aviation and expressing continued support for military aviators of the United States Armed Forces; (4) H. Res. 627—Honoring the citizen-soldiers of the National Guard of the State of Washington, including the 81st Brigade Combat Team (Heavy) of the Washington Army National Guard; (5) H. Res. 810—Expressing condolences to the citizens of Indonesia and support for the Government of Indonesia in the aftermath of the devastating earthquake that struck the island of Sumatra; (6) H. Res. 816—Mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa; (7) H. Res. 786—Commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood; (8) H. Res. 266—Celebrating 90 years of United States-Polish diplomatic relations; (9) H. Res. 603—Recognizing the 140th anniversary of the birth of Mahatma Gandhi; (10) H. Res. 800—Expressing sympathy for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma; (11) H.R. 3371—Airline Safety and Pilot Training Improvement Act; (12) H.R. 2423—The ''George P. Kazen Federal Building and United States Courthouse'', and the ''Marcel C. Notzon II Jury Room'' Designation Act; (13) H. Res. 465—Recognizing the Atlantic Intracoastal Waterway Association; (14) H.R. 2651—Maritime Workforce Development Act; (15) H. Con. Res. 138—Recognizing the 40th anniversary of the George Bush Intercontinental Airport; (16) H.R. 1700—National Women's History Museum Act; and (17) H. Res. 719—Commending Russ Meyer on his induction into the National Aviation Hall of Fame.

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